

CEMETERY OVERSIGHT TASK FORCE MEETING

August 18, 2009

2:00 P.M.

Held at:

Department of Commerce and Economic Opportunity

Springfield, Illinois

1 CEMETERY TASK FORCE COMMITTEE:

2 HONORABLE PATRICIA BROWN HOLMES,  
3 Chairperson

4 SECRETARY BRENT E. ADAMS,  
5 Department of Financial and Professional  
6 Regulation

7 MR. WILLIAM MCNARY,  
8 Citizen Action/Illinois  
9 MR. DALITSO SULAMOYO,  
10 Illinois Association of Community  
11 Action Agencies

12 REPRESENTATIVE DAN BRADY,  
13 88th House District

14 DR. DAMON ARNOLD,  
15 Director of Department of Health

16 MR. MICHAEL KOTZIN,  
17 Jewish United Fund/Jewish Federation  
18 of Metropolitan Chicago

19 MR. WILLIE CARTER, (via telephone)  
20 Restvale Cemetery

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1     SPEAKERS:

2                 REPRESENTATIVE THOMAS HOLBROOK

3                 MAYOR MARK ECKERT, Belleville, Illinois

4                 MS. LuANN JOHNSON, Executive Director,  
                    Oak Ridge Cemetery

5

                    MR. GREGORY VOGELE, Superintendent of  
6                 Chippiannock Cemetery

7                 MR. FRANK PRICE, AARP

8                 MR. ALLEN STANBEARY, JR., Private Citizen

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1 HONORABLE HOLMES: Good afternoon, everyone.  
2 Welcome and thank you for your attendance here at the  
3 fourth meeting of the Cemetery Oversight Task Force. My  
4 name is Patricia Brown-Holmes. I'm honored to have been  
5 appointed by the Governor to chair this task force. I am  
6 a partner at the law firm Schiff, Hardin in Chicago,  
7 Illinois, and I am previously a judge of the Circuit  
8 Court of Cook County.

9 I would like to introduce to you all the task  
10 force members, some of whom are not present here today in  
11 the room but are on the telephone, and I will announce  
12 their names, and to the extent that they are here they  
13 will just raise their hand so you know who they are, but  
14 you will at least have an idea of who the members of our  
15 task force are.

16 One of our members is Andrea Zopp who is not  
17 present today. She is the executive vice president and  
18 general counsel of Exelon Corporation. She is also a  
19 former federal prosecutor.

20 We have task force member William McNary.  
21 Mr. McNary has been the co-director of Citizen Action  
22 Illinois since 2000 and the president of U.S. Action  
23 since 1999.

24 Task force member Dr. Byron Brazier is the

1 Pastor of Apostolic Church of God in Chicago, Illinois.

2 Task force member Dalitso Sulamoyo.

3 Mr. Sulamoyo has been the president and CEO of the

4 Illinois Community Action Association since 2001.

5 Task force member Lester Coney, has been the

6 executive vice president of Mesirow Financial.

7 Task force member Secretary Brent Adams is the

8 individual who leads our State's Department of Financial

9 and Professional Regulation.

10 Task force member Dr. Damon Arnold is the

11 director of our State's Department Of Public Health.

12 Task force member Michael Kotzin is the

13 executive vice president of the Jewish United Fund and

14 the Jewish Federation of Metropolitan Chicago.

15 Task force member Willie Carter is the owner of

16 Restvale Cemetery in Alsip, Illinois.

17 Task force member Augustus Cage is the

18 president and director of Cage Memorial Chapels.

19 We also have on our task force the legislative

20 ombudspersons to our task force who have been appointed

21 by various individuals.

22 We have President of the Senate, Senator Emil

23 Jones, III who represents the 14th Senate District of

24 Illinois.

1           We have legislative ombudsperson appointed by  
2   the Senate Minority Leader Senator Randy Hultgren.  
3   Senator Hultgren represents the 48th Senate District of  
4   Illinois.

5           We have legislative ombudsperson appointed by  
6   the House Minority Leader Representative Dan Brady.  
7   Representative Brady represents the 88th house District  
8   of Illinois.

9           We also have Representative Monique Davis who  
10   represents the 27th House District of Illinois and  
11   Representative Ken Dunkin who represents the 5th House  
12   District of Illinois.

13           On July 16 Governor Quinn signed Executive  
14   Order 16 which formed this task force. This task force  
15   was formed in the wake of the recent tragic events at  
16   Burr Oak Cemetery in Alsip, Illinois which have  
17   highlighted a deficiency in our current mechanisms for  
18   regulating and overseeing the operation and management of  
19   cemeteries.

20           The task force's specific missions are as  
21   follows: First, by September 15th of this year, we are  
22   to conduct a comprehensive review of Illinois's present  
23   structural arrangement for regulating cemeteries and the  
24   circumstances surrounding the recent tragic events at

1 Burr Oak Cemetery.

2 Second, the task force has the responsibility  
3 by September 15th of submitting a report of findings to  
4 the Governor and to the Secretary of the Department of  
5 Financial and Professional Regulation. This report will  
6 provide detailed recommendations on what policies, laws,  
7 rules and regulations should be implemented to ensure  
8 that the deceased are cared for in a humane and  
9 respectful manner.

10 We will now begin to call witnesses to testify.  
11 Witnesses who were invited to testify today, and those  
12 who provided us with advanced notice of their intention  
13 to testify, will be called first. Others who wish to  
14 testify are welcome to testify, just let us know of your  
15 desire, and we will call you at the conclusion of those  
16 witnesses who have given us their intent to testify  
17 today.

18 Following testimony we will have an open  
19 discussion regarding our findings to be included in our  
20 report.

21 Our first witness to testify today is  
22 Representative Thomas Holbrook from Belleville.

23 Thank you for joining us, Representative.

24 REPRESENTATIVE HOLBROOK: Thank you, Ma'am Chairman.

1 I would first like to thank all the task force  
2 members for your time and effort as you try to resolve  
3 this situation. Also, I'd like to thank the ex officio  
4 members, the legislative members for showing up also and  
5 also trying to resolve this and bringing the message back  
6 to us in our respective chambers.

7 Today I wear several hats, both as a state  
8 legislator, I represent my constituents and their  
9 concerns, on the behalf of my Senator, Senator Clayburn,  
10 he sends his best to you and wishes he could be here, but  
11 his schedule didn't allow it. And he concurs with me on  
12 what I'm going to communicate to you at this point also.

13 I'm also a chairman of the House of  
14 Representatives downstate Democratic caucus. We have  
15 many our members, 20 members, and we have several  
16 concerns also that we'd like to make you aware of also.

17 Also, I have brought with me today a  
18 co-witness, the Mayor of Belleville, the Honorable Mark  
19 Eckert. Belleville is the largest city south of  
20 Springfield, and it's also the -- one of the lead  
21 communities and the second largest metropolitan area  
22 second only to Chicago, the Metro East across from  
23 St. Louis.

24 And also as a citizen whose friends and

1 neighbors are both shocked and appalled at the treatment  
2 and the condition of their loved ones in their final  
3 resting place and how they're being handled.

4 I'd like to make three points today. The first  
5 is that the Burr Oak situation is more than a tragedy,  
6 it's a crime, however, I would also like to say that here  
7 in the Metro East, in Belleville, we're currently dealing  
8 with a similar situation, similar meaning there are both  
9 federal indictments against those -- the past owners and  
10 there are possible associated state charges in the future  
11 associated with the cemetery here in the Metro East.  
12 There was no reintering of loved ones, however, at this  
13 point.

14 Secondly, in addition to the criminal issues  
15 associated with the -- some of our cemeteries, the state  
16 is dealing with abandoned and neglected cemeteries  
17 throughout the state. It's not unusual, whether it be  
18 church, family or privately owned cemeteries, this  
19 situation is widespread and also disheartening to family  
20 members.

21 I would like to remind the panel that our area  
22 in the Metro East is the oldest area of the state. We  
23 are churches that go back to the 1600s and 1700s, many of  
24 them having cemeteries associated with them. Many of the

1 churches don't exist anymore, many of the families don't  
2 exist anymore.

3           The third point I would like to make is about  
4 one of the eyesores we have. It's one of two cemeteries,  
5 part of a group owned by a company called Forever. Mount  
6 Hope Cemetery is an example of what could happen anywhere  
7 in the State of Illinois. Mount Hope Cemetery was a  
8 church cemetery until the last few decades when it was  
9 turned over and turned into a private cemetery. It's  
10 gone into receivership once already, and it's part of the  
11 federal indictment and the ongoing investigation in the  
12 state right now.

13           The case of Mount Hope for which the mayor is  
14 going to report to you when I finish here in just a few  
15 minutes sits directly in front of my district office in  
16 Belleville. My bay window overlooks their entrance. I'd  
17 like to give you just two short examples of what happens  
18 at that cemetery.

19           This Saturday late in the afternoon as I was  
20 working my office, which it doesn't have hours in the  
21 afternoon, there was a knock at the door and the security  
22 bell came on that someone was trying to enter my office.  
23 I went to the door and found 2 people that I recognized  
24 and asked them to come in. They had been over at the

1 cemetery working the entire day. They had loaded their  
2 cars with bags of gravel and topsoil and went over at the  
3 request of a widow -- one of their friend's widows --  
4 where his internment had taken place about 6 months ago  
5 and the grave site was eroding away. They went in with  
6 both rock and topsoil and seeding and tried to stabilize  
7 that plot.

8 About 3 weeks ago the cemetery owner who was  
9 operating at the time announced she was closing the  
10 cemetery. No more money. We are just closing it down.  
11 That same day a lady who used to help run my district  
12 offices, 80 some year old mother passed away. Her  
13 husband had been interred there, and you can imagine the  
14 consternation and -- that this caused the family that  
15 they may not be able to bury their mother next to their  
16 father at that cemetery.

17 The funeral home director came forward and were  
18 able to work out a program where an independent  
19 contractor would come in. You could imagine the  
20 liability issues, you can imagine the fear of maybe a  
21 wrong plot designation, what could happen here, but we  
22 ended up burying Helen that morning next to her husband  
23 Owen who had been in that cemetery for over 20 years.

24 Again, this can happen at any cemetery in this

1 state. Churches lose membership, parishioners pass away,  
2 die off, private cemeteries' perpetuity funds are  
3 depleted. This can happen.

4 I will say that at Mount Hope if this could  
5 happen at any community, any mayor, any legislator and  
6 anyone that has a loved one buried in Illinois has to be  
7 concerned on what the State of Illinois is going to do to  
8 regulate this issue and to help correct it.

9 Before I turn this over to Mayor Eckert I'd  
10 like to say that the Burr Oak situation is more than  
11 tragedy again. It's a crime. We're dealing with a  
12 tragedy in our area and a crime also. We need to get a  
13 handle on this in the State of Illinois.

14 I wish you the best. I look forward to seeing  
15 your recommendations and hopefully acting on them in the  
16 General Assembly.

17 At this time I'd like to turn over the witness  
18 chair to the Mayor of Belleville, the Honorable Mark  
19 Eckert.

20 HONORABLE HOLMES: Representative, before you do,  
21 would you mind fielding questions if any members of the  
22 task force have questions before that?

23 REPRESENTATIVE HOLBROOK: Absolutely.

24 HONORABLE HOLMES: Any questions? Representative?

1 REPRESENTATIVE BRADY: Thank you, Ma'am Chair.

2 Someone on the phone wish --

3 HONORABLE HOLMES: I'm sorry. Someone on the phone  
4 wish to ask a question.

5 MR. CARTER: Yes. Ma'am Chair, my name is Willie  
6 Carter from Restvale.

7 I would like to ask Mr. Holbrook, do you think  
8 that that the township or the county should be required  
9 to take over Saint Mount Hope or Valley View since the  
10 last owners were unable to make it?

11 REPRESENTATIVE HOLBROOK: No, I don't. I think that  
12 there should be receivership appointed and it should be  
13 directed through the Comptroller's office as we do in  
14 current cases. I just don't think our municipal  
15 governments have the resources to do that on an ongoing  
16 basis.

17 MR. CARTER: This is probably what's going to happen  
18 unless we can come up with a reasonable explanation of  
19 how to deal with this issue. It's going to happen in  
20 other cities as well, towns.

21 REPRESENTATIVE HOLBROOK: It could.

22 MR. CARTER: That's it.

23 HONORABLE HOLMES: Thank you.

24 Representative?

1 REPRESENTATIVE BRADY: Thank you, Ma'am Chair.

2 Representative, thank you for coming for your  
3 testimony and, Mayor, for yours shortly.

4 The two cemeteries you mentioned, did either of  
5 those cemeteries -- I believe both those cemeteries had  
6 turned into private ownership, is that correct?

7 REPRESENTATIVE HOLBROOK: Correct. They had been  
8 put into receivership in the past and have had two sets  
9 of owners since then, and there's a real question by the  
10 department whether they were transferred legally to a  
11 different owner, and that's part of all that will be  
12 handled in the courts and worked out I'm sure.

13 REPRESENTATIVE BRADY: So both those cemeteries --  
14 private cemeteries fall under the Cemetery Care Act which  
15 is directed by Comptroller's office, ran by the  
16 Comptroller's Office.

17 REPRESENTATIVE HOLBROOK: Currently. Originally  
18 they weren't, they were church cemeteries, United Church  
19 of Christ I believe.

20 REPRESENTATIVE BRADY: When they became privately  
21 owned cemeteries, did either of those have pre-need sales  
22 staffs, in other words, either pre-need counselors,  
23 pre-need staff, managerial staff that would sell spaces  
24 at a pre-need situation prior to death?

1           REPRESENTATIVE HOLBROOK: I was told that the  
2 cemetery at that time, Mount Hope in particular with the  
3 United Church of Christ, had a care fund which had about  
4 \$1.5 million in it for operation. Whether that was taken  
5 from the church coffers or whether that was taken from  
6 pre-need sales, I don't know. The records -- this goes  
7 back several decades, and someone may have that answer  
8 for you, but I would only have to speculate.

9           REPRESENTATIVE BRADY: So as far as your knowledge  
10 goes, with the cemeteries in recent memory, they were not  
11 in an advanced status, in a pre-need status selling  
12 spaces in those cemeteries prior to what's happened?

13           REPRESENTATIVE HOLBROOK: After they were taken over  
14 for a for-profit group, Forever, they were selling  
15 pre-needs, correct.

16           REPRESENTATIVE BRADY: They were. Okay.

17                   Thank you.

18           MR. SULAMOYO: Representative, thank you again for  
19 testifying before the task force. You had mentioned that  
20 the cemeteries in question did not have any similar  
21 issues to Burr Oak. Could you comment on the conditions  
22 of the cemeteries themselves besides the financial  
23 hardships that happened?

24           REPRESENTATIVE HOLBROOK: Maintenance has waned in

1 the past, it had to go in receivership once before. I  
2 think the mayor has photos and a full explanation of the  
3 conditions at the time and current conditions of those  
4 facilities, but to say that they were in need of  
5 attention is an understatement.

6 MR. McNARY: Representative Holbrook, again I want  
7 to thank you for being here as well. My name is William  
8 McNary. I'm with Citizen Action of Illinois. Just like  
9 you we believe that every humane being has equal worth  
10 and we believe that every human being has a right to live  
11 a meaningful and fulfilling life, and dignity and respect  
12 should follow them once they are laid to their rest.

13 I had three questions. I normally ask the ones  
14 who have answers to them. I'll ask you -- I'll state  
15 what the three are and I'll ask you the third.

16 Number 1, how did this happen?

17 Number 2, is it happening anywhere else in the  
18 state?

19 And, number 3, how can we make sure that this  
20 task force comes up with regulations to make sure it  
21 never happens again?

22 You've answered the second question, this is  
23 obviously happening in other areas of the state other  
24 than in Burr Oak and outside of Chicago.

1           So the question I have for you is, there are  
2   those who believe that we have enough regulations on the  
3   books, we need enforcement. So the question I have for  
4   you is, what is the right set of regulations? Are you  
5   comfortable with what we have, and do you have any  
6   recommendations on what we should add?

7           REPRESENTATIVE HOLBROOK: Well, what we're looking  
8   for this task force -- I don't want to prejudice your  
9   recommendations. I want you to be able to look at the  
10  whole situation the way it is in Illinois today and come  
11  up with your ideas.

12           I mean we have several ideas. Representative  
13  Brady and I have worked on issues before with this. To  
14  think that we are adequate at this time is ludicrous.  
15  That is not the case.

16           MR. McNARY: Let me tell you that I agree with you,  
17  and here are some of the things that, based upon what  
18  I've heard, I've heard these areas, and I need you to let  
19  me know if you think some of these areas should not be  
20  considered or are -- or should there be something in  
21  addition to.

22           Based upon what I've heard, the proposed reform  
23  that we should probably be looking at have to do with  
24  regulation and oversight, which means inspection, make

1 sure that the cemetery is properly cared for;

2 Number 2, licensing individuals as opposed to  
3 just licensing cemeteries;

4 Number 3, a consumer bill of rights so that any  
5 person in Illinois when they go to a grave site they have  
6 something with -- in their hands to know what their  
7 rights are but also the headstone where their markings  
8 are so they can have a permanent record that can be  
9 passed on to where their loved ones are buried;

10 Number 4, recordkeeping, in other words, grave  
11 sites, maps of the graves;

12 Number 5, maybe penalties. If the penalty for  
13 doing some of these crimes is not high enough, maybe we  
14 should consider raising some of the penalties;

15 Sixth, whistleblower protection for those who  
16 may have knowledge of these crimes who may want to come  
17 forward but feel hampered to do so;

18 Number 7, maybe compensation for some of the  
19 victims;

20 Number 8, enforcement; and, finally, mandatory  
21 reporting requirements.

22 Does that sound like we're in the right  
23 direction?

24 REPRESENTATIVE HOLBROOK: I think all those

1 recommendations have merit. The devil is always in the  
2 details.

3 I remind people, over in Europe when you're  
4 buried, you have a plot for maybe 20 years and after that  
5 you don't have it. They will put a stone there where you  
6 were at, but they don't -- they have a much more concern  
7 over land usage and how it's done. New Orleans, you  
8 don't have a spot there all the time.

9 But that's not the case in Illinois where we  
10 have abundant land, and maybe it's some day that type of  
11 issue might need to be addressed to lower costs and still  
12 make the loved ones happy if they know it if that's the  
13 situation going into it.

14 But right now in Illinois, absolutely all of  
15 those issues have merit, the devil is always in the  
16 details, and I would look forward to your  
17 recommendations.

18 MR. McNARY: Thank you, Representative.

19 HONORABLE HOLMES: Any other questions?

20 MR. KOTZIN: Representative, Michael Kotzin.

21 Representative Holbrook, I very much welcome  
22 your speaking to us, meeting with us today. I think  
23 you've done something important, and, that is, to broaden  
24 the issue to demonstrate in a very powerful, meaningful

1 statement that it is a broader issue than might have been  
2 thought when we were convened.

3 Based on your having this firsthand experience  
4 and your position in the legislature, do you have any  
5 sense how widespread this might be?

6 REPRESENTATIVE HOLBROOK: I would leave that the  
7 experts to tell you. I know it's happened before, it's  
8 happened elsewhere, but to get a really good handle on  
9 it, I think the Comptroller's office would have a lot  
10 more data, lot more definitive data to be able to tell  
11 you, but there are things that the Comptroller doesn't  
12 control.

13 Many of the cemeteries, our work crews go out  
14 and clean up that are Potter's fields, that are family  
15 plots, that are church plots where the church no longer  
16 exists.

17 Is it widespread? If you drive through  
18 southern Illinois, back highway, you'll see cemetery plot  
19 after cemetery plot overgrown the further you go down.  
20 The churches are no longer there or the family homestead  
21 is gone, it's part of bigger farm now. Those things  
22 happen, and I think you're going to have to focus on what  
23 you do. But is it widespread, yes? Is it a problem?  
24 When an urban area like Belleville has an eyesore like

1 this, it's absolutely a problem, yes. And is it  
2 widespread, yes. At the point you'd have to define the  
3 degree of severity of what it is to the community.

4 HONORABLE HOLMES: Anymore questions?

5 Thank you so much, Representative. We really,  
6 really appreciate your time. Thank you.

7 Mayor?

8 REPRESENTATIVE HOLBROOK: Good afternoon, ladies and  
9 gentlemen.

10 HONORABLE HOLMES: Thank you, good afternoon.

11 MAYOR ECKERT: I'm Mark Eckert. I'm the Mayor of  
12 Belleville, Illinois.

13 HONORABLE HOLMES: Would you do me a favor and spell  
14 your last name for our court reporter.

15 MAYOR ECKERT: E-C-K-E-R-T.

16 I'm the full-time Mayor of the City of  
17 Belleville. It's a -- Belleville has a full-time mayor,  
18 and we're about 45,000 population, little over. And as  
19 Tom stated, several months ago -- and I think it really  
20 hit home in the month of May, right before Memorial Day,  
21 became very evident that the care at Mount Hope Cemetery  
22 at approximately -- what is your address, Tom -- 9200  
23 West Main. That's what I was going to guess -- became  
24 really very unattended, and we had heard things, but it's

1 a privately owned cemetery. The City of Belleville, we  
2 have a city cemetery that's been there since the  
3 beginning of time in the early 1800s. Our city started  
4 in 1814. And I know what the cost of running a cemetery  
5 is because I know the deficit we run every year cutting  
6 and mowing. And in the City of Belleville, we have many  
7 unions in our city hall, and our Teamsters and laborers  
8 to run that cemetery, we annually probably have a deficit  
9 of about 300,000 to keep our cemetery in a top-notch  
10 shape that we're proud of you.

11 But we do that over the years as a  
12 responsibility to the commitment of this since the  
13 beginning of time and to the past traditions and memories  
14 and respect of those who served the City of Belleville  
15 all these years.

16 My office and myself personally has been hit  
17 very hard by some of the family members that are so  
18 distraught because in the month of April and May when  
19 grass started growing rapidly and the rains and the warm  
20 sun and weeds started coming up, and it was very evident  
21 that Mount Hope was not going to be cared for this year,  
22 people started calling saying, what are you going to do  
23 about it? When is the city going to come in?

24 And naturally one of my first calls was to Tom,

1 and Tom had explained to me many of the things that were  
2 going on with this particular Forever Corporation. Lot  
3 of it I heard of, lot of it I didn't know. He also  
4 explained I should contact the State Comptroller's  
5 office, which I did. Then I was advised that because of  
6 the complication of the situation of both possibly a  
7 criminal investigation and also the neglect, that we  
8 probably should just take a step back and let the course  
9 of action take and not jump in.

10 Well, we've been hesitant to jump in period  
11 because once you start something like this, how do you  
12 maintain it when you didn't budget for another cost of  
13 another cemetery to take care of. This cemetery is  
14 bigger than our cemetery we have. I go out to the  
15 cemetery every week myself, and I have a staff person  
16 from Health and Housing goes out every week and takes  
17 ongoing photos, and I'll leave you -- we've got sets and  
18 sets since probably the month of May on.

19 I'm amazed, and I am blessed that different  
20 volunteers sporadically have come in and kept some order  
21 of reasonableness throughout the cemetery with cutting  
22 and pitching in. There's been some different church  
23 groups, and bless them for what they've done, but this is  
24 a temporary answer to the problem.

1           We're working hard in Belleville, we're almost  
2   200 years old, to grow our city and to deal with constant  
3   changes, to deal with the economy. We're no different  
4   than any other city that we're expected to do more with  
5   less. Retail sales are sluggish right now everywhere you  
6   go. And we live and we die by sales tax by a lot of  
7   communities. So to take on extra unexpected cost is  
8   virtually impossible, but yet many of these widows and  
9   family members have come to my office, have written  
10   letters, have called on the phone distraught and they're  
11   angry because we have not solved or fixed this problem.

12           We have been told and we have given them the  
13   Comptroller -- the hotline number, and many of them were  
14   happy that we gave them some light on the fact of the  
15   situation, what's going on, but I feel very helpless as a  
16   mayor because we're just not in a position to go in and  
17   cut and trim and maintain.

18           In these photos I'll leave you -- this is just  
19   one batch -- you will see trash piled up, tree limbs.  
20   You will see grass in some cases 3 feet, 4 feet high.  
21   Like I said again, thanks to the volunteers who have come  
22   in and have started a bit of a pattern now of rotating  
23   mowing different sections, but this cemetery has gotten  
24   away from this ownership, and really it's a situation

1 where we're just big enough of a town I can't tell you I  
2 get into every corner every day, but when this really got  
3 to be evident I started looking around, I was just  
4 appalled at the lack of care and the lack of dignity  
5 that's going on in this cemetery.

6 So I was very happy -- when Tom asked me would  
7 I come today and answer any questions or say a few words,  
8 I felt obligated to do so because this is one of the many  
9 serious problems that a mayor of a relatively smaller  
10 town in the state gets called on, but this is a serious  
11 one for us.

12 The condition of these graves and the condition  
13 of this business property is deplorable, and while we  
14 work very hard every day dealing with health and housing  
15 issues in neighborhoods trying to lift our city up and be  
16 aggressive and move forward, this has been a real  
17 stumbling block for us, and it's got a lot of people in  
18 West Belleville upset and very concerned.

19 HONORABLE HOLMES: Thank you.

20 Questions?

21 MR. SULAMOYO: Mayor, thank you again for coming up  
22 to Springfield to testify before the task force. Dalitso  
23 Sulamoyo.

24 The question I have is a question that was

1 really asked of the task force I think at our last  
2 hearing, and it's also been a question that our task  
3 force members have asked. Representative Holbrook talked  
4 about how Europeans deal with this issue that, you know,  
5 20 years is pretty much what you're guaranteed as far as  
6 owning a plot. You talked about the cemetery that the  
7 city runs that has been there for a number of years,  
8 since the 1800s.

9           The question that we were asked was, when do  
10 cemeteries pretty much go out of business? And I believe  
11 Representative Brady talked about if you're going into  
12 receivership it's a financial issue, but I think the  
13 question that was being asked of us in terms of space,  
14 land being filled up, when does that happen, and are  
15 there any examples of cemeteries that have actually  
16 closed down because there isn't any additional land for  
17 burials to take place.

18           MAYOR ECKERT: To my knowledge in our area, not yet,  
19 but I do think a number of our cemeteries that we have,  
20 both church owned and privately owned, because of growth  
21 and development in our Metro East area are becoming more  
22 and more landlocked. So I think that probably in the  
23 future will some day truly be a situation to reckon with.  
24 It's not happened yet to my knowledge, but space is

1 becoming more limited.

2           This particular cemetery is a very large, old  
3 cemetery, and I believe I saw today someone shared with  
4 Tom that it began right around the 1897. There's still  
5 some space throughout, especially in the backside of the  
6 cemetery, but it too, like many of our cemeteries and  
7 throughout I'm sure the state, there's nothing new,  
8 they're becoming more and more landlocked as growth and  
9 development of subdivisions and retail developments,  
10 cemeteries that once were on the edge of town and seemed  
11 to have fields and fields of vacant, open ground, they're  
12 becoming surrounded now by development. So that will be  
13 a problem, and we can see that happening in Belleville.

14           Our city cemetery is certainly has some space,  
15 but is surrounded, and where it was once on the edge of  
16 town in 1814 when we began, it is no longer. It's  
17 surrounded. So that's a very, very obvious point that  
18 we'll have to deal with in the future.

19           DR. ARNOLD: Dr. Damon Arnold, the Director for the  
20 Illinois Department of Public Health. I have a question  
21 from the standpoint of two things that you mentioned.  
22 One was, can you give us a better picture of what it  
23 means to be -- what a cemetery needs in the way of  
24 funding, you know, what are the main moneys used for,

1 where do they come from, how is that structured?

2 And the second thing is also the -- you brought  
3 up a point that was kind of interesting about the  
4 volunteers, people volunteering to help out with that  
5 process. Has that ever been looked at before, a  
6 volunteer corps or that type of thing?

7 MAYOR ECKERT: We've looked -- we were really kind  
8 of waiting to see after talking with the State of -- I'm  
9 kind of addressing the second part first. Before we  
10 jumped into this and started organizing or attempting to  
11 formally organize people to get involved, we had  
12 questions of, do we have the right on that property?  
13 Certainly people have the right to go in and visit the  
14 graves, we know that, and they have a right -- it's a  
15 public, you know, entity from visitation type things, but  
16 I was very concerned if as the mayor of the city I had  
17 the authority to even orchestrate volunteers to give us  
18 the authority to say -- because then the liability issue,  
19 if someone gets hurt out there, who's responsible? The  
20 equipment, where is it going to come from?

21 So before we ever even started that -- and a  
22 group of us -- a group of people from particularly West  
23 Belleville where the cemetery is located had gotten  
24 together unofficially and in different other settings and

1 talked about trying to orchestrate some volunteers, but  
2 after talking with Tom and after knowing that there was  
3 so much more to this case with potentially criminal and  
4 everything else, we took a step back and said we better  
5 not jump into something that we don't have the answers to  
6 and we don't have the right or responsibility to at this  
7 point. So we have gone cautiously.

8 We go in there and monitor it. Now, these  
9 volunteers -- and I don't pretend to know who they are, I  
10 don't. I think it's been a mixed group of people, people  
11 who have loved ones there. There's been I'm told a  
12 couple church groups from different areas, surrounding  
13 small communities who come up and have been cutting grass  
14 and stuff.

15 Now, on a couple of occasions they've left out  
16 bags of yard waste and stuff, and I've instructed our  
17 sanitation department to go pick them up, but I've also  
18 said, let's don't get into the cemetery and start just  
19 taking over because -- until we hear with some direction.

20 You know, our city attorney and I went through  
21 the statute, and we looked at what happens with the  
22 situation like this, and it pointed to the Comptroller's  
23 office, and it talked about if a cemetery -- that there  
24 could be grants given to a municipality or township or

1 something -- I think if I go back and from what his  
2 interpretation to me was, but until something like that,  
3 that there could be some compensation, the City of  
4 Belleville isn't in a position, especially right now,  
5 we're like a lot of other cities. We just got word we're  
6 losing one of our GM car dealerships. We could lose  
7 hundreds of thousands dollars a year in city sales tax  
8 next year when this dealership that's even brand new,  
9 just a couple years old, we fought to keep them now is  
10 going to be closed down as it seems, or at least as it  
11 stands right now unless a miracle happens. So it's  
12 very -- be poor management on my part to rush in and take  
13 on another responsibility that has an endless and no  
14 sight in the future of financial help.

15 I don't pretend to understand or have any  
16 knowledge of what I'm hearing -- reading or hearing from  
17 people like Tom of the potential criminal or yet  
18 fraudulent activities that have gone on with this  
19 corporation possibly. And so the city just wants to be  
20 very cautious. We want to keep our city neat and clean,  
21 and we're very proud of the image in Belleville. We have  
22 the number one art show in the nation, we have done some  
23 things, we've turned around -- our city is unique, we're  
24 9-and-a-half miles, our main street is long, and with a

1 county seat, and we're the home of two great hospitals in  
2 the Metro East, but we have challenges like everybody.

3 And so just to run out there and say we're  
4 going put a Band-Aid on this or jump in here and then  
5 have it assumed that the city is going to solve this  
6 problem forever would be a big mistake on the mayor's  
7 part and the city council's part.

8 So we are looking for direction, we need some  
9 advice, and we need -- certainly we wouldn't want to do  
10 anything without the proper permission, and the word from  
11 the Comptroller's Office to us thus far is, stay back,  
12 don't rush in, and that's been basically the unofficial  
13 word.

14 Now, you know, I think Tom has had the same  
15 given to him that, you know, this so far is under  
16 investigation, just don't rush in here.

17 I don't really have the exact numbers on a  
18 cemetery. I know that our cemetery in the city -- we  
19 have ten unions in the City of Belleville. So, you know,  
20 to have the laborers and Teamsters, a part -- and a great  
21 workforce, they do a great job, but to have them a part  
22 of our grass cutting and grave openers and closers, I  
23 know that's much more expensive than a privately owned  
24 cemetery who doesn't use Teamsters and laborers and pay

1     that wage.

2                 So I'm sure from that standpoint, maintaining  
3     our city-owned cemetery to the standards that we have set  
4     and the quality that we have set is more expensive than  
5     what can be done in a private setting. That's another  
6     reason I can't just rush out there because my situation  
7     gets more complicated, if we rush in there, right away  
8     the Teamster and laborers are going to say, well, you  
9     must use Teamsters and laborers in this setting. So it's  
10    very complicated.

11                Six of my ten contracts are open for  
12    negotiations right now as we speak. They're having  
13    meetings today back in Belleville. So you have to be  
14    very cautious as all of you know. If any of you have  
15    ever been in the local trenches as a local mayor, you  
16    know that you get blamed for everything when everything  
17    goes on, it's the mayor's fault, and I knew that when I  
18    took the job, but I really -- it really hurts when some  
19    of these widows and that have just come crying and just  
20    had said, why don't you care, why aren't you doing  
21    anything?

22                So this whole situation has hit home very hard,  
23    and it's one of those things that I really do appreciate  
24    your coming together and I look forward to some outcome

1     because we're looking for some help.

2             HONORABLE HOLMES: Questions?

3             REPRESENTATIVE BRADY: Thank you very much again,  
4     Mayor, for your testimony and coming and for that of your  
5     daughter coming with you today. I think that's nice.  
6     Sort of a family outing. Sorry for the subject matter.

7             MAYOR ECKERT: Sometimes the only time to visit,  
8     come up here.

9             REPRESENTATIVE BRADY: Just a couple questions.  
10     First off you mentioned the city cemetery. Do you have  
11     any idea how many internments you're doing at the city  
12     cemetery?

13            MAYOR ECKERT: We're really down. The growth of a  
14     couple of the other nearby cemeteries that are privately  
15     owned and that have become funeral home attached now and  
16     that have really over the years have seen the city  
17     cemetery -- I don't even know, and I should have brought  
18     these numbers with me. I think last year we only did  
19     like 89 burials, a little less than a hundred.

20            REPRESENTATIVE BRADY: Either of the cemeteries  
21     involved here, including the city, any above ground  
22     burial internments, mausoleums, crypts, anything like  
23     that?

24            MAYOR ECKERT: No. I take it back. These involve

1 -- Tom, isn't there a crypt in the back there in the far  
2 back corner? Yeah, there is one, in Mount Hope as well.  
3 There is one.

4 The city does not have an above ground  
5 situation, but our other privately owned cemeteries, some  
6 of the newer and very prestigious cemeteries in the area  
7 they have these opportunities.

8 REPRESENTATIVE BRADY: Information you're being  
9 provided thus far is, you know, not rushing in and a lot  
10 of complexity to the issue, what is the status? In other  
11 words, what are families being told? Is Mount Hope in --  
12 being in receivership, are there internments that are  
13 going to occur in Mount Hope?

14 MAYOR ECKERT: Well, we have had one for sure maybe  
15 two that the local funeral directors had checked with  
16 State's Attorney and they called our office, and we --  
17 our city attorney said look, if the State's Attorney said  
18 you can proceed with digging the grave, you're certainly  
19 at your own risk, but as Tom -- as Representative  
20 Holbrook made mention, there's this liability issue  
21 that's hanging out there. I think they're's been one or  
22 two -- at least two burials in the last several months,  
23 but it's been very minimal. I'm sure some families have  
24 just avoided it, even though they may have had a plot, a

1 burial plot there. I'm sure that's -- I'm sure the grief  
2 and the discomfort from families is much, much, much  
3 greater than what we're hearing.

4 REPRESENTATIVE BRADY: So if there is any internment  
5 that occurs it's --

6 MAYOR ECKERT: It's being done -- the funeral  
7 homes --

8 REPRESENTATIVE BRADY: Special arrangements are  
9 being made to get in the cemetery.

10 MAYOR ECKERT: Special arrangements are being made  
11 by on a case-by-case basis.

12 REPRESENTATIVE BRADY: Also I'm assuming that many  
13 of those families then, in the Mount Hope situation as  
14 well, when they purchase lots they paid for perpetual  
15 care for the upkeep of the cemetery?

16 MAYOR ECKERT: I would assume. I don't have family  
17 in there myself, but I would assume that's the case.

18 REPRESENTATIVE BRADY: Are you aware of -- I believe  
19 it was Forever was the company. Have you ever heard of  
20 Lincoln Memorial, and do you have any knowledge if those  
21 two are tied together?

22 MAYOR ECKERT: I have no knowledge that they could  
23 be tied together or not. I had heard distantly Lincoln  
24 Memorial, but I'm not for certain.

1 REPRESENTATIVE BRADY: Thank you. Thank you.

2 MR. CARTER: Carter. May I ask a question of the  
3 mayor?

4 HONORABLE HOLMES: Yes.

5 MR. CARTER: Mayor, what do you think the reason for  
6 the failure of Mount Hope or Valley View, was it because  
7 -- it's my understanding there was a care fund, was it  
8 because the church may have spent the money or maybe just  
9 bad publicity?

10 MAYOR ECKERT: I'm honestly not sure. I'm not sure  
11 if it doesn't start maybe with poor management, but I  
12 really don't pretend to know. I have been mayor for  
13 4-and-a-half years, and really until the last 6 to 7  
14 months I'd say, Tom, about right, this problem that was  
15 brewing had not surfaced itself to where it was a talked  
16 about issue in the city and where it came to my attention  
17 in my office.

18 I really don't know how this thing got out of  
19 hand. I don't know if there truly was abuse, where it  
20 started, or it might have been a combination of things.  
21 But certainly the economy in this last six months I'm  
22 sure has the most recent lady who was writing a few  
23 paychecks to those who were doing a little grass cutting  
24 in the earlier season when she blew the whistle several

1 weeks ago and stopped everything, I'm sure the current  
2 economy also played a factor on that. So I really can't  
3 give you specifics.

4 MR. CARTER: I know Mr. Holbrook -- Representative  
5 Holbrook mentioned there was something like a million  
6 dollars in the care fund so I was just wondering what  
7 happened to that.

8 Thank you very much.

9 MAYOR ECKERT: Okay.

10 MR. McNARY: Mayor Eckert, again this is William  
11 McNary, and I want to thank you also for appearing.

12 What we found in Illinois with Burr Oak is that  
13 the owner is Perpetua are out-of-state owners, and we've  
14 come to find out that once Burr Oak was closed these  
15 out-of-state owners still profit from a nearby cemetery,  
16 Cedar Park. So my question to you is, the Forever  
17 Corporation, are these in-state or out-of-state owners of  
18 this cemetery?

19 MAYOR ECKERT: They're -- Tom tells me they're from  
20 Hollywood, California.

21 MR. McNARY: Second question. We often here about  
22 the virtues of privatizing versus public, but in this  
23 particular instance we hear the virtue of a public  
24 cemetery as a place of beauty where people can visit

1    their loved ones and where we can honor the dead as  
2    they're laid to rest and the private cemetery on the  
3    other hand is a place of desecration and an eyesore. So  
4    what would be your recommendations I guess as far as a  
5    public cemetery? If the money was available for the city  
6    to take care of the private cemetery, is that something  
7    you'd want to take on?

8           MAYOR ECKERT: Well, I think that, you know, it's --  
9    your question is a double-edged sword. We certainly do  
10   not want to see an eyesore that -- you know, this is just  
11   the beginning of an eyesore. If this doesn't get under  
12   control, a situation like this could greatly disturb any  
13   positive momentum and stability in this neighborhood,  
14   this West Belleville neighborhood, if you have a cemetery  
15   that goes from a one time being well kept and maintained  
16   becoming almost a dump.

17           I will leave these with you, but there's  
18   pictures here that in some parts of the cemetery you  
19   wonder where you're at. I mean there's just stuff  
20   overgrown, and I'll leave this for you to have,  
21   Ma'am Chairman.

22           HONORABLE HOLMES: Thank you.

23           MAYOR ECKERT: So it -- at one hand, I tell you  
24   repeatedly the city doesn't want to rush in, but if there

1 was some compensation -- at some point in time we're  
2 going to have to not lose our neighborhood, our West  
3 Belleville corridor because of a situation like this.  
4 It's going to prompt, you know -- it's going to force --  
5 this is not on our plate, this is not on the part of the  
6 things we tackled last year and this year as part of the  
7 challenges we are already trying to overcome.

8 Belleville is in the Metro East as I stated,  
9 has a lot of positive things, but we have a lot of  
10 challenges too, and this challenge without some financial  
11 support would really, really hamper our city now.

12 But as you said about the city-owned  
13 cemeteries, I think the fact that the Belleville Walnut  
14 Hill Cemetery, the city-owned cemetery is something we're  
15 very proud of, is about pride and tradition and heritage  
16 that we have, and, fortunately, we have been able  
17 financially to take care of it. If a city went totally  
18 into -- and you hear today cities going bankrupt, and I  
19 see more and more with the unfunded mandates and the cost  
20 of doing business and what all the different things that  
21 we get hit with as a city that I've learned in the last  
22 13 years being in the city government, from being almost  
23 8 years on city council, and now as mayor, that it gets  
24 more and more difficult to operate a city every day.

1           We have a paid fire department and a paid  
2   police department, and with pensions and insurance and  
3   all the different things and the situations we're kept  
4   with with workman's comp cases and the laws today, cities  
5   are struggling, and Belleville is facing those same  
6   challenges.

7           Could a city cemetery go in disrepair or ruins  
8   and the city says, hey, are we going to cut the grass at  
9   the cemetery or are we going to pay to have policemen on  
10   the street, those tough decisions could come to a city  
11   council. So I'm proud of we've been able to do, but I'm  
12   not so sure as this economic time continues and as more  
13   gets put on the backs of municipalities, I'm not so sure  
14   some day some mayor is not going to have that tough  
15   decision in Belleville.

16          MR. McNARY: You heard my set of proposed issues  
17   that we're looking at. I'm not going repeat them. Is  
18   there anything you want to add or do you think we're in  
19   the right direction?

20          MAYOR ECKERT: I think the fact that you're meeting  
21   and that you're listening and that you've even given a  
22   mayor from southern Illinois to come to Springfield to  
23   speak is a step in the right direction. I wish you well  
24   and I hope we can come up with something we can correct

1 this wrongdoing that's occurred.

2 And the neglect, and certainly criminal  
3 activity is wrong, and I can just speak as one mayor, but  
4 we happen to have one of these eyesores in our community.  
5 We need some guidance and we need some help, and we look  
6 forward to the outcome of these results.

7 MR. McNARY: Thank you, Mr. Mayor.

8 HONORABLE HOLMES: I have a question that I'll ask  
9 on behalf of Representative Monique Davis who is not  
10 here, but it's an area of concern that she has raised  
11 over and over again. So I'll raise it myself, which is,  
12 with respect to the out-of-state owners, would you  
13 support or be in favor of having individuals who don't  
14 live in the state who own cemeteries in the state having  
15 to have some sort of liability insurance or --

16 MAYOR ECKERT: Absolutely.

17 HONORABLE HOLMES: -- or a fund or something that  
18 would specifically address the financial end of this?

19 MAYOR ECKERT: Absolutely. People who do not have a  
20 vested interest being nearby and having to deal with the  
21 day-to-day situations and challenges and hide behind and  
22 just take the profits to me is wrong.

23 The City of Belleville just recently passed an  
24 ordinance stating that people who own rental property

1 have to come forward and you can no longer be -- we have  
2 to know who owns the property. And people have hidden  
3 for years, out of state people, people from out of other  
4 communities and then they want to make their money in  
5 your community, they don't care how it gets trashed up  
6 and nobody knows who the ownership is per se.

7 I think responsibility there is very important,  
8 and the City of Belleville has been pushing that item for  
9 a long time. We want -- we want people who are going to  
10 be partners with us in business and in ventures in the  
11 city. We don't want the people who are going to sit back  
12 and skim the cream off the top and then leave the  
13 problems at home for everybody else to figure out and  
14 them not being at the table. I agree with you  
15 whole-heartedly. I think that's very important when  
16 people are making money they need to be knowing how to  
17 get ahold of them, how to deal with them when there's a  
18 problem and how to call them to the table when we have to  
19 figure something out.

20 HONORABLE HOLMES: Thank you very, very much. We  
21 really appreciate your time and the fact that you came  
22 here to testify before the commission and to give us very  
23 good advice, and I am going to share the pictures.

24 MAYOR ECKERT: We have a lot more if you need them.

1 I didn't have that -- I looked at that. There's not even  
2 a cover sheet. But that is the Mount Hope Cemetery, 9200  
3 West Main if you want to write that on there.

4 HONORABLE HOLMES: Okay. We'll make sure that these  
5 are added to our website, which for the public is  
6 cemeterytaskforce.illinois.gov, and we share all  
7 information that the commission receives via that  
8 website. We'll do the same with your photographs so that  
9 others can view the pictures that you gave to us.

10 Representative Holbrook, do you have anything  
11 else that you wish to add before you leave?

12 REPRESENTATIVE HOLBROOK: I want to thank you for  
13 your work.

14 HONORABLE HOLMES: Thank you very much.

15 MAYOR ECKERT: Thank you very much for allowing me  
16 to attend.

17 HONORABLE HOLMES: The next individual who has  
18 indicated they would like to testify is Ms. LuAnn  
19 Johnson, executive director of Oak Ridge Cemetery.

20 The record will reflect all task force members  
21 are being given a folder containing documents which I  
22 will presume that Ms. Johnson will explain to us as she  
23 takes her seat.

24 Thank you very, very much for attending. If

1 you can state your name, spell your last name -- spell  
2 your first and last names.

3 MS. JOHNSON: My name is LuAnn Johnson, L-U-A-N-N,  
4 J-O-H-N-S-O-N. I'm the executive director of Oak Ridge  
5 Cemetery here in Springfield, and we have the honor of  
6 being the final resting place of our 16th president.

7 Oak Ridge Cemetery is a municipally owned  
8 cemetery. We also have the distinction of being the  
9 largest cemetery in Illinois, and the second most visited  
10 cemetery in the country, second only to Arlington  
11 National Cemetery.

12 Even though we are a municipal cemetery, we do  
13 not, and have never received tax dollars for our  
14 operation. We are one of only two or three government  
15 cemeteries in the country that is self-supporting. We  
16 are 154 years old and the city fathers have the idea to  
17 establish Oak Ridge Cemetery as an endowment care  
18 cemetery. So I understand all of the endowment funding,  
19 I understand all of the pre-need funding. We do have all  
20 of those, and we do have a union ground staff. So we are  
21 paying union salaries, and we are doing this through the  
22 sale of internment rights and memorials and flowers and  
23 the opening and closing of graves and the digging of  
24 foundations and the interest income from our endowment

1 care fund. So we are in a very unique position. We are  
2 a government cemetery exempt from some laws but yet  
3 exceeding the law in most instances.

4 Also, I have the honor of being the president  
5 of the Alliance of Illinois Cemeterians. This may be an  
6 organization that you might not be terribly familiar  
7 with. But the Alliance of Illinois Cemeterians was  
8 founded 10 years ago by some long-time cemeterians who  
9 knew there were smaller cemeteries out throughout the  
10 state who did not have a contact. They were people  
11 trying to do their very best, moral folks out there  
12 trying to operate small cemeteries whether they be  
13 privately owned or church cemeteries or township  
14 cemeteries, and they're doing it the way granddad did and  
15 the way dad did, and they're doing it the same now, and  
16 they wish they knew more about Illinois cemetery law, and  
17 they wish that they knew who to ask certain questions,  
18 but they're just in a small town, they're a small  
19 cemetery, and they don't have that network.

20 So the Alliance of Illinois Cemeterians was  
21 founded 10 years ago, and I think we have provided a  
22 magnificent service to those smaller cemeteries in  
23 Illinois. Our focus is on education and training, and I  
24 think through the meetings that you have been holding you

1 have learned that that's what is exactly needed, that  
2 people need to know the correct way of doing it; they  
3 need to be trained in exactly what should be done, and  
4 there needs to be follow-through to assure that that's  
5 exactly what is being done. You can't legislate  
6 morality. We can't do that. But we can train and we can  
7 educate, and that's the purpose of the Alliance of  
8 Illinois Cemeterians.

9 In the little booklet that I gave you is just  
10 some samples. Greg Vogele is going to be speaking next.  
11 He was also past president of the Alliance of Illinois  
12 Cemeterians, and the first page on the left just gives a  
13 short bio of the two of us. Nothing you really care  
14 about.

15 The next pages on the left are pages that we  
16 hand out because we have developed a PowerPoint program  
17 that we call Cemetery 101. This is a presentation that  
18 Greg and I will take anywhere in the state, and we've  
19 even gone out of state, and give to anyone who requests  
20 this service.

21 We have given Cemetery 101 to cemetery  
22 management, we've given it to the board of directors, we  
23 have given it to township officials, we have given it  
24 throughout this state and neighboring states. Basically

1 it's educating cemeterians who are trying to do their  
2 very best exactly what the law requires of them, exactly  
3 what forms they should be using, what specifics they need  
4 to follow, and they have been very enlightened by this.

5 We were asked to bring several forms too, and  
6 at the very last of the last of this left page you'll see  
7 just a copy of an internment sheet from Oak Ridge. It's  
8 something unique in that it was made by our staff, but we  
9 use carbon paper. It's two pages. The white page is  
10 something that's permanent that we happen to bind into a  
11 book. The yellow copy, which holds the same internment  
12 information, is what goes to our ground staff, and the  
13 bottom half -- the yellow copy has different information  
14 on it. It doesn't have a place for the signatures of the  
15 family and the signatures of the internment right owners.  
16 It has all the information needed for who actually  
17 approved the grave, who laid out the grave, who opened  
18 the grave, who closed the grave, this type of thing, who  
19 moved memorialization to get a backhoe into that  
20 situation and who placed it back on the grave.

21 Lastly, you'll find two different contracts,  
22 one from Chippiannock Cemetery that Greg oversees in Rock  
23 Island, Illinois, and the other from Oak Ridge Cemetery.  
24 You'll notice they're a little different, but they

1 basically have all of the same information. It's what's  
2 required with pre-need sales contracts. So those are  
3 some forms that we have included for you.

4 I just want to tell you a little bit about  
5 Cemetery 101. We try to educate people how important it  
6 is to have written rules and regulations, and our larger  
7 cemeteries in Illinois do have written rules and  
8 regulations, but the small cemeteries don't even know  
9 what that is.

10 I had one small cemetery that worked with me  
11 for several months, they would call me on the phone  
12 continuously. We hear you preach that we have to have  
13 written rules and regs. We are meeting weekly, we are  
14 putting them together. Can we send them to you and have  
15 you analyze them and then come to our next board meeting?  
16 Very good. What they sent me was 6 pages, 5-and-a-half  
17 of which were really bylaws. They didn't understand the  
18 difference between bylaws governing their organization,  
19 and rules and regulations that are intended for every  
20 family who owns internment rights and everyone coming to  
21 pay their respects to the cemetery. So I had to go to  
22 their meeting and tell them how lovely their bylaws were  
23 and give them further direction on cemetery rules and  
24 regulations.

1           There's also an issue of ownership. Who owns  
2   those internment rights? Oak Ridge cemetery is 154 years  
3   old. In some instances we are 7 and 8 generations  
4   removed from the original property owner. Is it first  
5   dead first served? No. That's not what the law tells  
6   us. So we can have a great, great-grandchild come in and  
7   want to be buried next to other family members in the  
8   family plot, understand the importance of family  
9   heritage, but in that instance there could be 75, 100 or  
10   more third and fourth cousins who the law state have  
11   joint ownership of those remaining internment rights, and  
12   we have to explain to the family the signatures that  
13   would then be required to use those internment rights,  
14   and we at Oak Ridge do require all signatures.

15           We not only require signatures for the use of  
16   an internment right, we also require signatures to  
17   actually bury the body. There should be two different  
18   signatures, sometimes it's the same person, but someone  
19   is the closest living next of kin of that deceased, a  
20   spouse, a child, a sibling, a parent. We need a  
21   signature from them allowing our cemetery to bury the  
22   dead. We also need a signature from the internment right  
23   owner. The cemetery doesn't choose the internment right.  
24   It's the family's decision. Fortunately at Oak Ridge

1 cemetery, people do pre-need very regularly, and we have  
2 large family lots, but there are many times when we have  
3 to ask for many signatures because there are many people  
4 who currently own those internment rights.

5           Approval of graves, Cemetery 101 tells these  
6 little cemeteries or these smaller cemeteries, the  
7 funeral director should not be calling the local farmer  
8 saying, open the grave next to Herman Jones, his wife  
9 passed. Which side? There's two sides to Herman Jones'  
10 grave. Which side? And the family should come out and  
11 witness. It's really not the funeral director's position  
12 to operate the cemetery. The cemetery should operate  
13 itself, should have the management in place to operate,  
14 and the family should always come to the cemetery. They  
15 need to sign the forms, they need to look at the graves.  
16 They need to actually choose which grave, if there's more  
17 than one available, and even if it's terrible weather, if  
18 it's the dead of winter there's 2 feet of snow on the  
19 ground, then the family can be kept in the car where  
20 they're not tramping through the snow and they're  
21 distressed, but a person from the cemetery office would  
22 go out and point, here is where Herman is. I have a  
23 grave here or here. Motion which one you want. We want  
24 this one, this is the one.

1           So these are all things that should be done,  
2   and we train people, you know, you don't just make a  
3   phone call and have these things happen. Cemeteries are  
4   forever and they should be treated as such.

5           You also have the issue of monuments. After  
6   the burial the family will say or someone might come in  
7   our office and say, we want to put up a memorial, we want  
8   a monument, a headstone for the deceased, but it may not  
9   be the person who signed the right to use that grave or  
10   it may not be the person who signed the right to bury  
11   that person. So then you have to make sure too that they  
12   also have the right to buy memorialization. You have to  
13   get permission from those who really own the internment  
14   right. We live in a country where divorce is very high.  
15   If a -- someone is buried on a particular grave, can an  
16   ex-spouse go in and memorialize? Probably not. We have  
17   to get permission for those things. So this is the kind  
18   of things that we try to educate other cemeteries about,  
19   and it's a very vital thing that we do.

20           On the right-hand side of your packet, the  
21   first publication that I've given you is just an index of  
22   some of the topics that we deal with in our quarterly  
23   newspaper. You can read through here and see that it's  
24   all gamuts of things, opinions from funeral directors,

1    how to operate cemeteries, the grounds, how to defrost  
2    graves.  It's a whole gamut of things that we cover and  
3    we try to educate people on.

4               The second thing in our packet on the  
5    right-hand side is the code of ethics of the Alliance of  
6    Illinois Cemeterians.  It's something that we adhere to,  
7    it's something that we insist that our members adhere to,  
8    and had Burr Oak Cemetery adhered to those code of  
9    ethics, we would not have the mess that we have today.

10              Another thing on that right-hand side is  
11    something else just to give you an idea of what the  
12    Alliance of Illinois Cemeterians is all about.  We  
13    decided several years ago that at some point there could  
14    be a catastrophe in our state.  It's not when or if, it  
15    is when.  It could be in the form of a national disaster,  
16    whether that be weather related or terrorism, or it could  
17    be in the form of an illness.  And we are all holding our  
18    breath about H1N1 right now.  We knew this needed to be  
19    addressed because others outside of the cemetery industry  
20    are always willing to lend a hand, they're always  
21    interested, they always want to come to your rescue, but  
22    if you've never held the hand of a grieving family trying  
23    to bury their loved one, and if you've never located a  
24    grave, and if you've never opened a 36-inch grave with a

1 36-inch bucket on a backhoe, you can't help. You just  
2 don't have the skill. You have the willpower and you  
3 have the compassion, but you don't have the skill. So we  
4 knew that if we had a catastrophe in the State of  
5 Illinois that it would be other cemeterians who would  
6 have to come to the aid of affected cemeteries.

7           So what we did, we wrote a pandemic disaster  
8 reciprocal agreement, and we presented this to our  
9 membership, and we gave them a chance to take it back to  
10 their boards, back to their townships so that they could  
11 look at it, they could read through it, they could have  
12 their legal counsel look at it and they could then sign  
13 up for this. We now have a plan in place that if any of  
14 our member cemeteries have a disaster they can make one  
15 phone call, and the response that they would get is: Let  
16 me ask you a few questions. Tell me your disaster, tell  
17 me the equipment you have on hand, tell me your exact  
18 needs, tell me where I can house people that will come to  
19 help you. They're going to answer some basic information  
20 in about a ten-minute conversation, and then the response  
21 will be, I will call you back in 2 hours with a plan.  
22 They're stewing. They've got a major catastrophe, and in  
23 2 hours they know they're going to get a phone call.

24           We will then make calls. And we have it all

1 set up in a hierarchy where member was then called. Here  
2 is the disaster, how can you help, how many people can  
3 you send, what equipment can you send, and for how many  
4 days. At that point the members make a decision. They  
5 could have the same catastrophe affecting them, and they  
6 could say, I'm sorry, I can't help at this moment. I'll  
7 call you back if I can next week or the week after. Or  
8 they can say, I have, you know, someone off on vacation  
9 let me get in touch with them see if I can get them back  
10 so I can free up other people.

11 But within 2 hours we think we can put together  
12 a plan and call that original cemetery and say, we have  
13 this many coming instantly, we have this many following  
14 them, this many following them. We will be there to help  
15 you, we will start by arriving at 7:00 a.m. tomorrow  
16 morning. We'll be bringing this equipment, can you try  
17 to locate other pieces of equipment so on depending on  
18 what the disaster is.

19 So there are things going on in Illinois. Not  
20 all cemeteries are like Burr Oak Cemetery. The vast  
21 majority of cemeterians are doing it right. They're  
22 doing it with compassion, they're doing it with respect,  
23 and they're doing it with a love of the profession, but  
24 it's those few that are having difficulties that make the

1 headlines in the newspaper, but know that there are  
2 others out there. Most out there are trying to solve the  
3 problem, not cause the problem.

4 There's a couple things -- I've read the  
5 testimony of your previous meetings, and there's a couple  
6 other things I would just like to address just to make  
7 sure that you have a real understanding of cemeteries.  
8 There's a couple things that I think you may not fully  
9 have a good grasp of.

10 The vernacular is that we sell graves. We all  
11 talk about it. We cemeterians talk about it. Funeral  
12 directors talk about selling graves. In reality  
13 cemeteries retain the ownership of graves. We don't sell  
14 graves. We sell internment rights. The right for the  
15 burial of one human remain is what is sold. So although  
16 we talk about grave spaces, know that the deeds that  
17 families are issued will say that they have -- or they  
18 should say that they have the right for the burial of  
19 human remains. And sometimes people will say, oh, no,  
20 grandpa had a deed and he always said he owned those  
21 grave spaces. And you can say to them, when you file  
22 your federal and state taxes, do you declare those grave  
23 spaces? Well, no, nothing is sent to me. Grandpa never  
24 had anything sent to him. It's because they don't own

1 the property. They own the rights of internment. So I  
2 just want to offer that for understanding.

3 Another thing that was discussed was double  
4 depth burials, and I want you to understand that some  
5 cemeteries do double depth burials on a regular basis and  
6 do it in a correct fashion, Oak Ridge Cemetery being one  
7 of them.

8 We are 154 years old. Many of the internment  
9 rights bought in the old historic north end of our  
10 cemetery were sold in 12, 24 and 36 grave increments. So  
11 families love the fact that they have family heritage,  
12 that 3, 4, and 5 generations can be buried together with  
13 the correct signatures, but you come down to a point  
14 where there are only a limited number of internment  
15 rights left, and cemeteries are all about encouraging  
16 family heritage.

17 So how do you solve that? There are three  
18 great-grandchildren living in the area, all married, and  
19 there are 3 grave spaces left. How do you handle that  
20 situation? With the family's permission, and only with  
21 their signatures, Oak Ridge Cemetery is very willing to  
22 open that first internment right double deep so a full  
23 casket at burial can be placed there, and then when the  
24 spouse dies, the grave is reopened and internment is made

1 of the second full casket at burial. So you've received  
2 testimony about double depth burials, and I didn't want  
3 you to have the impression that all double depth burials  
4 were incorrect. With the proper family signatures and  
5 the intent of the family, never at the wishes of the  
6 cemetery, but the intent of the family, and it's usually  
7 to preserve family heritage, double depth burials are  
8 done all the time by those cemeteries who have the  
9 equipment to do it. Not every cemetery has extend-a-hose  
10 that can do that, but they are done.

11 I just want you to know that the Alliance of  
12 Illinois Cemeterians has tried to be over the last 10  
13 years part of the solution even before Burr Oak came  
14 about. We've been out there trying to educate  
15 cemeteries, trying to make sure that people are doing it  
16 right, that people have a place to call. We do this and  
17 we do it with very little resources. We all know that it  
18 takes so much money to operate cemeteries.

19 I know what it takes to operate the largest  
20 cemetery in the state and not receive a single tax dollar  
21 to do it, I understand that, but all cemeteries need a  
22 place to call when they just want to know simple answers  
23 to questions. And so our annual dues are \$25. That's  
24 pocket change. I mean even for very destitute

1 cemeteries, \$25 is pocket change. It's the cost of a  
2 meal. And we never turn away a question.

3 I've had cemeteries call me for years every  
4 time they have a question, and every time they start out  
5 by saying, I'm really going to send in that \$25, I'm  
6 really going to be a member, but can you answer one more  
7 question before I do? Of course, we can. Or, I really  
8 am going to send that in, but can you come to my cemetery  
9 and show all of the cemeteries in our area Cemetery 101?  
10 Sure we can.

11 So we're out there trying to be part of the  
12 solution, and even with Burr Oak Cemetery we have plans  
13 to be part of that solution. Two weeks ago today I  
14 received a call from the receiver of Burr Oak Cemetery  
15 saying how can you help, how can you come to our rescue?  
16 The employees that were there obviously cannot come back  
17 and help us reopen this cemetery, and, of course, I had  
18 to say, Roman, I'm a municipal cemetery. I have to get  
19 permission to leave the city with city employees and city  
20 equipment. Let me call you right back. I called my  
21 mayor, and Springfield is so very fortunate because my  
22 mayor sat on the Cemetery Board of Managers for 16 years  
23 prior to becoming mayor, being president most of those  
24 years, and, in fact, did not resign from that position

1     until the night before he was sworn in as mayor. It was  
2     the last thing he did as a private citizen. He hung on  
3     for dear life.

4             But when I called and said, Burr Oak needs us,  
5     his only question was, how many are you taking and when  
6     are you going? It wasn't, do you really need to go? He  
7     knew I wouldn't be asking if we didn't. So Oak Ridge  
8     Cemetery is going to Burr Oak. I am taking some of my  
9     employees, I am taking what equipment they need. We are  
10    borrowing other equipment, and also the Alliance of  
11    Illinois Cemeterians is sending staff. Some of them are  
12    smaller cemeteries and they can't devote an entire week  
13    so we're sending people in for 2, 3, 4 days at a time,  
14    but they will work alongside the staff of Oak Ridge  
15    Cemetery, and we will help reopen Burr Oak Cemetery. So  
16    I thank you very much for allowing cemeterians to speak  
17    to you. Mr. Vogele will have other input, and thank you  
18    for the work that you're doing.

19            HONORABLE HOLMES: Thank you extremely much for  
20    coming. Before you leave though I would like to open up  
21    for questions. I'm sure that the task force members will  
22    have lots of questions. I know I have a few myself, but  
23    I'll let them go first.

24            First, Mr. Carter, do you have questions from

1 the telephone?

2 MR. CARTER: Yes. Thank you very much. Thank you  
3 very much for that report, very informative, and I'm sure  
4 you are aware of the Illinois Cemetery Funeral Home  
5 Association and work right along side them trying to do  
6 the same thing.

7 But my question is, do you believe that the  
8 consumers of governmentally-owned cemeteries should be  
9 afforded less legal protection than consumers of other  
10 cemeteries?

11 MS. JOHNSON: Explain what you mean by afforded less  
12 legal protection?

13 MR. CARTER: Well, what I mean is that the laws that  
14 we have -- there are laws on the books, some of the  
15 governmental and religious cemeteries at times are not  
16 liable for certain protection as some of the other  
17 cemeteries.

18 MS. JOHNSON: If you're referring to care funds, is  
19 that what you're referring about?

20 MR. CARTER: Yes.

21 MS. JOHNSON: Yes. I don't feel that every cemetery  
22 has to have a care fund. Some cemeteries were set up not  
23 to have a care fund, and to tell them that starting next  
24 week or next year you have to operate as an endowment

1 care cemetery would be very difficult. What I do preach  
2 to township cemeteries since I am a municipal cemetery is  
3 try to work towards being self-supporting.

4 While you have tax dollars supporting you,  
5 start putting money into an endowment care fund or a  
6 perpetual care fund, they're one in the same thing,  
7 different terminology, start setting moneys aside, you  
8 know, work towards being a self-supported cemetery, but I  
9 don't think it's something, Mr. Carter, that can be done  
10 in a relatively short period of time. I mean it just  
11 doesn't happen instantaneously, but it's something that I  
12 think all government cemeteries should work towards.

13 MR. CARTER: I noticed in my traveling throughout  
14 the state -- I've noticed that township cemeteries are  
15 overgrown and poorly maintained. Do you think that this  
16 is caused by limited financial resources or perhaps just  
17 other issues? I would appreciate your thought on this.

18 MS. JOHNSON: What I have found is -- I travel the  
19 state and I go to many of these cemeteries. I don't  
20 believe that what you're seeing are township cemeteries.  
21 I think the small communities of Illinois take as much  
22 pride in their cemetery as Belleville does in their  
23 larger cemeteries, as Springfield does in Oak Ridge  
24 Cemetery. I don't think that what you're seeing are

1 township cemeteries. I have found township cemeteries  
2 that are actually maintained by the township, that the  
3 township has control of, to be in extremely wonderful  
4 shape, to be well maintained. I don't find the grounds  
5 to ever be in disarray.

6 I think there are abandoned cemeteries out  
7 there that we have all driven through the countryside and  
8 seen, that once belonged to a church, that once belonged  
9 to a fellowship, to a group, even to a family and they've  
10 all died off, and, you know, someone could take them over  
11 and then other instances no one has.

12 I know there's two little tiny cemeteries on  
13 the outskirts of Springfield, they're not in the city  
14 limits of Springfield so I can't take staff and clean  
15 them up, but they're only mowed several times a year,  
16 which is not to the standard that we like to see  
17 cemeteries. But they were family cemeteries, the family  
18 was totally gone, and those things happen.

19 But I really don't think, Mr. Carter, you're  
20 seeing township cemeteries that are not being maintained.  
21 I think townships take pride in their cemeteries, and at  
22 least in central and southern Illinois I'm not finding  
23 that to be the case.

24 MR. CARTER: Thank you, Ms. Johnson.

1 HONORABLE HOLMES: Thank you very much.

2 Questions from this side?

3 DR. ARNOLD: First of all, I want to commend you on  
4 the way that Oak Ridge Cemetery is maintained. I've been  
5 there several times, you know, also for the eternal  
6 flame, for the service that you render to the country by  
7 maintaining the dignity of that -- those grounds. Those  
8 are very, very precious to us.

9 Also, I was wondering -- one thing is, I was  
10 looking at all data you've given us, this is an  
11 incredible presentation. So I think it's really very  
12 well presented to us.

13 I was wondering, in everything I was listening  
14 to, it sounds like there's a need -- at least in the  
15 medical field there is a standard of care kind of concept  
16 that we have where a certain amount of training and  
17 individualized expertise is required in order to operate  
18 an entity such as a cemetery. I was wondering if that --  
19 do you feel there needs to be some form of standard of  
20 care or some kind of general guideline, at least a  
21 minimal standard of care, for people to have to be  
22 trained in and to enact when they are running a cemetery,  
23 and should that be some sort of national standard or some  
24 standard we can apply here in the state?

1 MS. JOHNSON: I love your question, and I think that  
2 it's something we have to be very careful with  
3 personally. When you deal with these little townships,  
4 the person that is overseeing the cemetery may be paid  
5 \$500 a year, annually, and this person has done it out of  
6 love for the cemetery many times for decades, many times  
7 it's passed down from generation to generation in the  
8 same family.

9 Do I think it would be wonderful? Yes, I do,  
10 that's why we developed cemetery 101, and I'm willing to  
11 go anywhere, any time to present it. Do I think we can  
12 enforce standards instantly? No, I don't because what's  
13 going to happen that person in that small township who's  
14 only being paid \$500 annually, who has done this forever,  
15 who has all the knowledge is going to say, I'm 60 years  
16 old. What do I need to go to their class for? I'll just  
17 retire. I don't need the \$500 and all the headaches. So  
18 then someone else with no knowledge and no training comes  
19 in.

20 So if we allow this to evolve, then the person  
21 who has been doing it forever can start training and  
22 bring in new people who then in time we can require to  
23 have some guidelines, some specific training. But I  
24 think if we do it instantly, we're going to lose a vast

1 amount of knowledge in some small cemeteries because they  
2 will just be intimidated by that and will walk away.

3 REPRESENTATIVE BRADY: Thank you very much, Ma'am  
4 Chair.

5 Thank you very much, Mrs. Johnson, for your  
6 testimony. Couple questions if the Chair will indulge me  
7 here. I want to make sure I understand you correctly.

8 Oak Ridge Cemetery, the oldest cemetery and  
9 largest cemetery I believe you indicated in the state --

10 MS. JOHNSON: Not the oldest. We are the largest  
11 cemetery in Illinois and the second most visited cemetery  
12 in the country.

13 REPRESENTATIVE BRADY: Okay. That is a  
14 municipally-owned cemetery?

15 MS. JOHNSON: Correct.

16 REPRESENTATIVE BRADY: But you receive no tax  
17 dollars for your operation?

18 MS. JOHNSON: I do not. I am the second most  
19 visited cemetery in the State of Illinois and -- the  
20 second most visited cemetery in the country and the  
21 federal government has not given me any tax dollars. I  
22 have state historic sites in my cemetery, namely,  
23 Lincoln's Tomb, the Illinois War Memorials and the State  
24 Tree, and the State does not ever give me any tax

1 dollars. I am owned and operated by the City of  
2 Springfield. I follow all city regulations. I take all  
3 of my bills to the city's financial department. After I  
4 have signed off on them, a check is written that says  
5 City of Springfield, but every one of those dollars  
6 paying my payroll, buying my equipment, buying the  
7 gasoline to mow 365 acres, every single purchase made is  
8 paid for with money raised by Oak Ridge Cemetery, not a  
9 single tax dollar.

10 REPRESENTATIVE BRADY: In other words, you have some  
11 specific line item in a city budget?

12 MS. JOHNSON: I have my own -- yes, I have my own  
13 budget which follows the city budget, it's approved with  
14 the city budget, but I am a fund unto itself. I bank  
15 daily with the city treasurer, but my funds are in a  
16 totally separate fund. The city cannot take any of our  
17 dollars, nor do I receive any from the city.

18 REPRESENTATIVE BRADY: Okay. Watch out for those  
19 fund sweeps. We have had a few problems with those in  
20 the State budget.

21 MS. JOHNSON: We're fine.

22 REPRESENTATIVE BRADY: What I'd like to kind of zero  
23 on, you're in a unique position, would you not agree,  
24 from a tourism standpoint?

1 MS. JOHNSON: Very much so.

2 REPRESENTATIVE BRADY: You have dollars and things  
3 and people through the cemetery in doing things that  
4 other cemeteries throughout Illinois don't have that  
5 ability, luxury situation.

6 MS. JOHNSON: We're also suffering from the same  
7 economies that everyone else is.

8 REPRESENTATIVE BRADY: For purpose of the benefit,  
9 can we move to yes and no as quickly because I know that  
10 Ma'am Chair would like me to move on. I just read your  
11 mind.

12 MS. JOHNSON: Yes

13 REPRESENTATIVE BRADY: But you are in a rather  
14 unique situation.

15 MS. JOHNSON: Correct.

16 REPRESENTATIVE BRADY: And the Alliance of Illinois  
17 Cemeteries, how long have you incorporated or chartered?

18 MS. JOHNSON: 10 years.

19 REPRESENTATIVE BRADY: 10 years. How many members  
20 roughly in the AIC?

21 MS. JOHNSON: Over 150.

22 REPRESENTATIVE BRADY: I'm going to assume that  
23 Cemetery 101 didn't make it to Burr Oak Cemetery, they  
24 never took that?

1 MS. JOHNSON: No.

2 REPRESENTATIVE BRADY: Even though Burr Oak was  
3 members of the Illinois Cemetery Association that's been  
4 testified to in earlier testimony from the hearings in  
5 this task force.

6 MS. JOHNSON: They belong to a different  
7 association, correct.

8 REPRESENTATIVE BRADY: But you also belong to that  
9 same association I notice from your resume.

10 MS. JOHNSON: I have.

11 REPRESENTATIVE BRADY: Illinois Cemetery  
12 Association. So the Alliance operates out of the address  
13 offices, et cetera, of the tax supported Oak Ridge  
14 Cemetery here in Springfield, that is correct?

15 MS. JOHNSON: No, we're not tax supported.

16 REPRESENTATIVE BRADY: You're not tax supported.

17 MS. JOHNSON: No

18 REPRESENTATIVE BRADY: But does the operation of  
19 that AIC operate through Oak Ridge office, I mean that's  
20 your address --

21 MS. JOHNSON: It is our mailing address and our  
22 telephone number, correct.

23 REPRESENTATIVE BRADY: And are you licensed in any  
24 way, you yourself?

1 MS. JOHNSON: I am not.

2 REPRESENTATIVE BRADY: Do you do any continuing  
3 education you, yourself mandated by the State of  
4 Illinois?

5 MS. JOHNSON: Do I receive continuing education or do  
6 I educate?

7 REPRESENTATIVE BRADY: No. Do you have any mandated  
8 requirement from the State of Illinois in continuing  
9 education?

10 MS. JOHNSON: No.

11 REPRESENTATIVE BRADY: So, therefore, there's no  
12 testing or anything along the lines that you're aware of  
13 that you as a cemetery manager takes?

14 MS. JOHNSON: Correct.

15 REPRESENTATIVE BRADY: Is that the same for your  
16 pre-need sales staff? I'm assuming you have a pre-need  
17 sales staff?

18 MS. JOHNSON: I do not

19 REPRESENTATIVE BRADY: You have no one in pre-need  
20 sales?

21 MS. JOHNSON: We do sell, but we do not have an  
22 active sales team that goes out into homes. We only deal  
23 with those families that come to us.

24 REPRESENTATIVE BRADY: So if family that comes into

1 you, who would deal with those families?

2 MS. JOHNSON: We have an office staff.

3 REPRESENTATIVE BRADY: How big would that office  
4 staff be roughly?

5 MS. JOHNSON: Four.

6 REPRESENTATIVE BRADY: Four people. They're not  
7 licensed or mandated in any way by the State of Illinois  
8 as far as requirements?

9 MS. JOHNSON: They are not.

10 REPRESENTATIVE BRADY: One other question. You said  
11 that it's not what the law tells us about internment  
12 rights. When you were speaking to the rights of family  
13 and who has those internment rights and who signs the  
14 closing cards, et cetera, opening and closing cards and  
15 different things for burial spaces, what law were you  
16 citing, what law were you referring to, what act?

17 MS. JOHNSON: Well, it's really in different acts  
18 that tells you what families -- the ownership and how it  
19 descends, and Mr. Vogeles will be able to stipulate all of  
20 that for you.

21 REPRESENTATIVE BRADY: So Mr. Vogeles knows the acts?

22 MS. JOHNSON: Mr. Vogeles is going to discuss that.

23 REPRESENTATIVE BRADY: Okay. One other area that I  
24 just wanted to touch upon, want to make sure I

1 understand. Since you agreed to the fact that you are  
2 rather unique, and many cemeteries across the State of  
3 Illinois do not have the resources in which you have,  
4 staff-wise or otherwise, so for that small cemetery  
5 sexton to be considered to be able to go and open a grave  
6 or receive a call from the funeral director or family or  
7 whomever, those are all different and unique situations I  
8 think the committee needs to be keenly aware of. What  
9 works in a larger community may not work in downstate  
10 Illinois, and may not just because we do it one way at  
11 Burr Oak Cemetery or we do it one way at Oak Ridge  
12 Cemetery or East Lawn Cemetery in my area or whatever,  
13 that may not fit in certain other areas in the State of  
14 Illinois, would you agree with that?

15 MS. JOHNSON: It depends on what you're referring  
16 to. If you're saying because it's a more rural area that  
17 a family doesn't need to go to the cemetery and actually  
18 see the internment right to be used, no, I don't agree.  
19 On some instances, what you're saying would be correct,  
20 but it would -- I just can't give a blanket answer on  
21 that.

22 REPRESENTATIVE BRADY: Were you at a hearing in  
23 February of this year at the State Capitol regarding  
24 insurance --

1 MS. JOHNSON: No.

2 REPRESENTATIVE BRADY: -- and pre-need, license  
3 requirements?

4 MS. JOHNSON: I was not present.

5 REPRESENTATIVE BRADY: Thank you. Thank you very  
6 much for your testimony. I appreciate it.

7 Thank you, Ma'am Chair.

8 MR. McNARY: Ms. Johnson, I want to thank you also  
9 for your testimony. I carry a card with me daily that  
10 says, we are not what we think we are, we are not what we  
11 say we are, we are not what we hope to be, we are not  
12 what we pretend to be, we are simply what we do. I just  
13 want to thank you for what you do. I just believe that  
14 if all cemetery owners had the compassion and the respect  
15 and love that you have for your profession that we  
16 probably wouldn't be sitting up here today.

17 I'm also glad to know, as you probably know,  
18 that my first wife who died of cancer prematurely is  
19 buried at Burr Oak Cemetery, and we sat as task force  
20 members hearing a lot of horror stories about people who  
21 have relatives who are buried there, and I'm more  
22 confident now that with your involvement at Burr Oak that  
23 can begin to be restored to a place of dignity and  
24 respect and beauty where we can go back and honor our

1 loved ones.

2 That being said, I talked to a man named Josh  
3 Slocum in preparation for this task force and he runs  
4 what is called the Funeral Consumers Alliance, and I  
5 asked him for guidance as to some of the things we should  
6 be looking at. So as we begin to make these kind of  
7 recommendations, I want to ask you these areas he asked  
8 me to talk about and see if you think their -- should  
9 need it, not need to, too much, too little, and if  
10 Mr. Vogeles would be listening to the questions, maybe he  
11 can make some comments on these as well.

12 Number 1, requiring all cemeteries to survey  
13 their property in a standard way and to index the survey  
14 maps against the sales for plots. Does that sound like  
15 something that should be required, or is that too much,  
16 too little?

17 MS. JOHNSON: I can tell you that most cemeteries do  
18 have cemetery maps, you know, they have paper records or,  
19 however, denoting the different parts of their cemetery  
20 and, yes, that is a very reasonable thing.

21 MR. McNARY: Requiring the state office responsible  
22 for regulating cemeteries to audit a reasonable sample of  
23 maps and sales records to detect inconsistencies.

24 MS. JOHNSON: I have absolutely no problem with

1 that. What I wonder is how the state is ever going to  
2 afford to hire additional staff and pay for these  
3 additional services. I have no problem with it. I'm not  
4 sure that it's realistic in this economy

5 MR. McNARY: Thank you. That's very helpful. Only  
6 4 more. Close loopholes that allow not-for-profits and  
7 religious cemeteries to escape regulation.

8 I guess the concern here is that some of these  
9 are loopholes are used by shell companies, for-profit  
10 companies that -- others who sell a number of graves to  
11 the community. Is there any public policy justification  
12 for us just looking at for-profit as to opposed  
13 not-for-profit cemeteries?

14 MS. JOHNSON: I think that most cemeteries follow  
15 the letter of the law. I don't have an objection to the  
16 way the law is written at this point. I think that there  
17 is validity to that, but as far as oversight, again I  
18 personally have absolutely no problem with that if it's  
19 something that's even feasible.

20 MR. McNARY: I'm going to skip the other three.  
21 Thank you so much.

22 MR. SULAMOYO: I just have a quick question.  
23 Dalitso Sulamoyo.

24 I think the question was brought up in the

1 questions that Representative Brady had, and I'm just  
2 trying to understand what the difference is between the  
3 Alliance of Illinois Cemeterians and the Illinois  
4 Cemetery Association. We had the Association testify at  
5 our first hearing, and I'm just trying to understand what  
6 the difference is between the two associations.

7 MS. JOHNSON: Well, I mean both are interested in  
8 bettering the educational opportunities of cemeterians in  
9 State of Illinois or surrounding states. So they have  
10 many similarities.

11 The Illinois Cemetery and Funeral Home  
12 Association watches legislation, they are in Springfield  
13 testifying many times on legislation. They're very  
14 involved in the legislative aspects of our association.  
15 They have a lobbyist. So they have focused more on those  
16 aspects.

17 The Alliance of Illinois Cemeterians has  
18 focused more on assisting the smaller cemeteries out  
19 there who have no one to turn to. So they both have the  
20 same desires, the same eagerness to help. They're just  
21 going about it in different ways.

22 REPRESENTATIVE BRADY: Got cheaper dues.

23 MS. JOHNSON: Yes, our \$25.

24 HONORABLE HOLMES: I'll ask Representative Davis'

1 question or address her concern regarding cemetery owners  
2 who are out of State. Would you have any recommendations  
3 or suggestions, do you think they should be treated  
4 differently? Should there be additional rules or  
5 regulations governing individuals who are not in state  
6 but who own cemeteries in Illinois?

7 MS. JOHNSON: I can tell you that cemeterians for  
8 the vast majority, 99.9 percent, have a firm belief that  
9 all people should be treated equally. It doesn't matter  
10 the life lived, each death deserves the same respect, the  
11 same homage. I truly believe that everybody should be  
12 treated equally. So then you pose this question.

13 There's no other profession in our country that  
14 doesn't allow out of state ownership or out of country  
15 ownership. So I understand your dilemma, I understand  
16 your wanting accountability, but that's not treating  
17 every profession exactly alike. So if you're asking me  
18 personally, I'm sorry, I don't see that as a viable  
19 solution when any other profession can have ownership  
20 from anywhere else in the world.

21 HONORABLE HOLMES: But not taking the -- I know that  
22 Representative Davis had actually questioned some people,  
23 and I'm assuming that you're referring to some of the  
24 other testimony, where she indicated that maybe they

1     ought not own cemeteries in Illinois. But my question is  
2     more, if you do own a cemetery in Illinois but you're an  
3     out-of-state resident, would you have any recommendations  
4     or suggestions for that out-of-state owner that might  
5     protect the citizens of Illinois, for instance, that they  
6     might have to have some type of indemnity insurance  
7     policy or some type of fund that would assist should  
8     there be some issue that arises given the fact that  
9     they're out of state and their customers are in state?

10           MS. JOHNSON: I think they should have  
11     accountability, I think that ownership should be known.  
12     There are some instances where we're not sure who really  
13     owns the cemetery or have they sold it and to whom and  
14     for how much and where's the records of that, you know.  
15     So I think that there is accountability, that everyone  
16     should be able to stand up and say I own this cemetery  
17     and I have to follow the laws of the State of Illinois if  
18     I'm doing business in the State of Illinois, and I think  
19     some of our cemetery law does address that. If we wanted  
20     to strengthen it so it addressed it even more, I  
21     personally would not have any problems with that. But  
22     again I think we always have to be cognizant of not  
23     seeking out one profession and treating it differently  
24     than we would others.

1 HONORABLE HOLMES: Thank you very, very much. We  
2 really appreciate your time.

3 MS. JOHNSON: There's something I'd like to give  
4 you. We talk about records in cemeteries. This is a  
5 copy of the first internment book of Oak Ridge Cemetery.  
6 It shows 1865, the month of May, and on here you will see  
7 exactly how cemeteries 154 years ago kept records. We  
8 now have this digitized, but this is what cemeteries are  
9 dealing with. And I think if you scroll down here you  
10 will see where we buried our 16th president. We did not  
11 skip a line, we did not denote that he was president. He  
12 was treated like every other human being. Everyone was  
13 given the same respect and dignity.

14 Thank you for letting me be here today.

15 HONORABLE HOLMES: Thank you. Thank you very much.  
16 We really appreciate that. We appreciate your time and  
17 your efforts in testifying.

18 Mr. Vogele?

19 MR. VOGELE: Thank you.

20 HONORABLE HOLMES: Thank you. If you would state  
21 your name and spell your entire name.

22 MR. VOGELE: Gregory Vogele, V-O-G-E-L-E. LuAnn is  
23 a tough act to follow, and I know that your meeting is  
24 running probably long, and I will try and be brief.

1           Usually I'm the type of person that I have  
2 everything written out in front of me, and I'm totally  
3 prepared. In this instance I guess I deliberately didn't  
4 want to be prepared in case you had questions or anything  
5 as I go on.

6           I'm third generation of my family to serve as  
7 manager of Chippiannock Cemetery. It's a national  
8 registered property in Rock Island. The fourth  
9 generation is coming up as a licensed funeral director in  
10 the State of Illinois and works in the same town as  
11 myself, which does give us some spirited conversations at  
12 times, but I wish Jared could have been here. He kind of  
13 has both viewpoints of I think a more rounded view of the  
14 industry.

15           Over my years, and I've been in the industry  
16 for probably 40 years plus, lot of different instances  
17 have come up, things that, you know, Burr Oak kind of  
18 bring to mind, what could we do to prevent another Burr  
19 Oak from ever happening again. First off, like everyone  
20 else, you can't necessarily stop the bad people from  
21 doing bad things regardless of the legislation. But in  
22 my experience -- you know, in 1969, we took on a small  
23 church cemetery in our town. The person who took care of  
24 the cemetery for years and years had a falling out with

1 the congregation, and he just walked away from it. Took  
2 the records with him, kind of left them with nothing,  
3 which we had to recreate what was there.

4 One of the things that we did use to recreate  
5 things at that time was the fact that on the burial  
6 permits it used to state the block, the section and the  
7 grave number, and the cemeteries had to return those to  
8 the Department of Health, and, supposedly they recorded  
9 them somewhere. Where it wouldn't change things if  
10 someone desecrates a grave or if someone takes the  
11 records, it would provide a place that you could say,  
12 this is where your father was or there is where your  
13 relative or your loved one is supposed to be.

14 With today's electronic filing it would seem  
15 very simple to include that information at this time, but  
16 one of the things that I found out years ago was that  
17 where cemeteries are forever, the state didn't keep  
18 everything forever, that they purged their records every  
19 so many years. If they take this on that you provide  
20 this and that we provide the information, the State  
21 should have to keep it as long as the cemetery is going  
22 to be there, or find some successor repository for that  
23 information.

24 Another instance was more recent in that I was

1 asked to be receiver of Roselawn Cemetery in Moline, town  
2 nextdoor to me, and the previous owner had taken off  
3 with, say, a quarter of a million dollars of folks'  
4 money, and where I was one of the people in Illinois when  
5 I was involved in the Illinois Cemetery and Funeral Home  
6 Association, when we created the legislation the Cemetery  
7 or the Pre-Need Cemetery Sales Act we -- it was consumer  
8 oriented, it provided a Consumer Protection Fund so that  
9 if someone took off with the money it would provide them  
10 with the merchandise and services that they purchased.  
11 It provided stiff penalties for people who didn't comply.

12 We didn't really imagine someone as slick as  
13 this guy that he'd just say, well, I'm really not doing  
14 anything that is illegal. I'm not selling anything that  
15 I shouldn't be selling. So we always anticipate that  
16 someone is going to be law abiding when people who aren't  
17 going to be law abiding don't care. They're looking for  
18 some way to slip around it.

19 In this case the gentleman who owned this  
20 cemetery had spent an entire career probably from the  
21 1950s moving from one state to another, from one  
22 community to another doing very similar things for the  
23 entire time.

24 One thing that I might suggest is that I don't

1 believe that there's any reciprocal agreements or  
2 anything in place with adjoining states that if someone  
3 applies for a cemetery license that they can find out if  
4 there have been problems in nearby states or other  
5 communities. So that's one thought.

6 In the case of the previous owner here and his  
7 partners, they were professionals at being  
8 unprofessional. Everybody that they sold, they gave them  
9 a nice contract. If you read the fine print, which I did  
10 after I was appointed receiver, they were actually saying  
11 that the cemetery would provide absolutely no care for  
12 the graves and that they would assess an annual fee, or  
13 that they were entitled to assess an annual fee for the  
14 care of taking care of the graves, but then when they'd  
15 write up the contract on the front, they'd just throw in  
16 something that says care around the headstone, \$945. I  
17 mean it was kind of the soup of the day, they just put  
18 whatever they wanted in there.

19 So that brings up another thing, that I think  
20 if you licensed people -- you could have licensed these  
21 people, and they would have still did what they did  
22 because they'd figure they're going to be in town for 1,  
23 2 years until they're found out then they're going to  
24 slip out of town and go somewhere else.

1           So that's kind of my thoughts on that. They  
2       were creative. And something that I did find out is that  
3       people really don't read what's in front of them. Where  
4       I enjoy the opportunity to sit down that large  
5       contract -- if you've noticed in there because the  
6       statutes require that everything is in large type, even  
7       the fine print on the back is in large type. I like the  
8       opportunity to sit with a family and fill it out and  
9       explain to them the various provisions of the contract  
10      and what it means, what they're signing. But apparently  
11      not everybody does that.

12           One of the things -- another of the things with  
13      Roselawn was brought to light even by my wife. She said,  
14      so how does a person know when they walk into a cemetery  
15      in Illinois and they buy a grave or they buy a headstone,  
16      anything, that they're doing the right things? That's a  
17      good question. People will assume because they walk into  
18      a cemetery and it's been there for 75 years or 100 years  
19      that it must be reputable because it's been there that  
20      long. But cemeteries are here forever. You can't  
21      retrofit them to be anything else. They're always going  
22      to be cemeteries. Whether they're financially viable or  
23      not, they're always going to be in our communities, and  
24      there's no other use for them.

1           So that brings up another aspect of cemeteries  
2   in that in all of my years -- and it was brought up here  
3   by Mr. Carter with his question on some cemeteries being  
4   exempt and some not exempt. Cemeteries were created and  
5   they're unique because they were all created in their own  
6   time period under different expectations of different  
7   sets of laws, different standards. You can't make all  
8   cemeteries under one umbrella, it just won't work,  
9   although cemeteries have the challenge of adapting to  
10  meet a community's expectations at the time they're  
11  existing.

12           Chippiannock started in 1855. Nobody thought  
13  of mowing grass at that time. There was no automobile  
14  that you'd need a paved road. It's adapted over the  
15  years even to the point where 5 years ago our city  
16  decided to enact a storm water utility fee and we now  
17  have to pay \$4,000 a year for storm water runoff. In  
18  addition, as the cemetery gets older, a community thinks,  
19  oh, gosh, it's a beautiful place, but it certainly must  
20  be filled up so the business drops off.

21           So in Chippiannock's case we might have 60  
22  burials a year, huge amount of ground to maintain, yet --  
23  I'm getting really dry. I don't know about the rest of  
24  you, but it seems as though water would be nice.

1           This is embarrassing.

2           With Chippiannock, its use has changed. Where  
3 it started out as a cemetery, and it will always be a  
4 cemetery, it's used primarily as a library. We get  
5 thousands of requests a year for genealogical  
6 information. It's used as a nature preserve, it's used  
7 an arboretum, it's used as a museum and an art gallery.  
8 It has many uses that people enjoy it for, and it's even  
9 a tourism attraction, and yet none of these things bring  
10 in any dollars to support the cemetery. So all  
11 cemeteries are unique in that they somehow have to keep  
12 going.

13           I'm going to step back to the beginning of the  
14 Alliance of Illinois Cemeterians. Our Comptroller had  
15 hearings, I think it was about 10 years ago around the  
16 state, inquiring people and asking people to come forward  
17 with their comments about the cemeteries. And I went to  
18 all of the hearings because at that time I was president  
19 of the other association, the Illinois Cemetery and  
20 Funeral Home Association, and what I noticed was there is  
21 a lot of folks out there with small cemeteries  
22 volunteering, trying to keep things up, and even people  
23 that were coming to the State saying, I was looking up my  
24 family tree and I've discovered this cemetery in this

1 small town, and it's just disgraceful the way it's  
2 maintained, that something should be done. Well, that  
3 was part of why the Alliance was born, was just that  
4 these people had nowhere to go to.

5 The other thing is it kind of relates to a  
6 standard of care and requiring one is that you can't  
7 dictate to a community what its standard of care needs to  
8 be. So whereas some of these small towns, they knew that  
9 the cemetery was there, they were perfectly content with  
10 the grass being this tall, it didn't bother them at all,  
11 they were their ancestors. And yet if you say that you  
12 have to have some certain standard, well, who's going to  
13 pay for it? And I don't want to make ill-construed  
14 remarks with regard to Belleville, but you've got a city  
15 there, they've got a problem because they've got a  
16 cemetery that didn't make it. Well, someone is going to  
17 have to step up and write the check, and that's what it  
18 amounts to with cemeteries.

19 Not all cemeteries are going to remain  
20 wonderful, viable places that are going to be maintained  
21 forever, and if you try and enact a standard of care,  
22 current statutes say a cemetery is obligated to provide  
23 care to the extent that the revenue generated by its  
24 funds can offer. So how can you require a cemetery to

1 provide more care than it is financially able to afford?

2 So that's just another point.

3 At this point I know it's getting long, so if  
4 you've got any questions. Give me a chance to get a  
5 little moisture in my mouth.

6 HONORABLE HOLMES: Questions?

7 REPRESENTATIVE BRADY: Mr. Vogeles, thanks very much.  
8 Thank you, Ma'am Chair. I'll be quick as I can.

9 First off, I had asked Ms. Johnson earlier  
10 about the comments, it's not what the law tells us about  
11 internment rights and the immediate next of kin and who  
12 can sign for the internment cards open and closing, et  
13 cetera. She indicated that that's not what the law tells  
14 us and then indicated that you would know what section of  
15 whatever act we're talking about. Would you know where  
16 that law is?

17 MR. VOGEL: Off the top of my head, I do not.  
18 That's just an honest answer.

19 REPRESENTATIVE BRADY: That's fine.

20 Also, for the benefit of the committee, the  
21 Consumer Protection Fund which I have a handle on that,  
22 would you go ahead and explain that to the committee as  
23 far as the money deposited and each transaction, what  
24 happens with those dollars and the purpose.

1           MR. VOGELE: Sure. Cemeteries that are licensed to  
2   sell pre-need cemetery merchandise and other entities  
3   that are licensed to sell pre-need cemetery merchandise  
4   are to put \$5 of each contract written into a Cemetery  
5   Consumer Protection Fund so that if the money disappears,  
6   is not entrusted and someone has a need that they have a  
7   burial or grave opening, marker that hasn't been  
8   delivered that this fund will make things whole. It's  
9   not designed so much to provide refunds, it never was.  
10   It was just to provide a fund that people would get what  
11   they paid for. Not if they change their mind necessarily  
12   or so. That's a good thing. There is not a mirror to  
13   that in the Funeral and Burial Funds Act.

14                So in our instance in Rock Island we had a  
15   funeral director that took off with all the funds and  
16   there's -- it's just gone. If that would have happened  
17   in the cemetery and they would have been licensed, people  
18   would have still gotten their pre-need merchandise and  
19   services.

20           HONORABLE HOLMES: How is that regulated?

21           MR. VOGELE: The Comptroller's office is the one  
22   that the money goes to. They handle the Consumer  
23   Protection Fund. In the instance of, say, Roselawn  
24   Cemetery, at a court hearing I'll present a number of

1 items in the contracts of what people had paid for that  
2 was not delivered and ask for release of funds to provide  
3 the merchandise. In some cases at Roselawn Cemetery with  
4 what limited funds that I'll have I advance that and  
5 figure that I will get it back at some point from the  
6 Consumer Protection Fund.

7 HONORABLE HOLMES: Would you happen to know how  
8 compliance is assured? Is there someone from the  
9 Comptroller's office that would check the books and  
10 records against the contracts to make sure that there's  
11 \$5 for every --

12 MR. VOGELE: Our auditor comes in and --

13 HONORABLE HOLMES: It's audited?

14 MR. VOGELE: -- and they look. If they've got  
15 questions, we open our books. That's the law.

16 REPRESENTATIVE BRADY: I have one follow-up if I  
17 could, if you're done.

18 HONORABLE HOLMES: Go ahead.

19 REPRESENTATIVE BRADY: Mr. Vogeles, one other area.  
20 You had mentioned about the licensing side of things, you  
21 could have licensed these people in Roselawn situation,  
22 and I think you said they would have done it in anyway,  
23 could have done it anyway.

24 MR. VOGELE: That's my opinion.

1           REPRESENTATIVE BRADY: I want to clear the air on  
2     that. I've been an advocate that we need to be stricter  
3     when it comes to licenses, individual licenses in the  
4     cemetery care procedures and so on. I contend that  
5     simply that if Illinois had stricter licensing,  
6     educational requirements in that Cemetery Act hopefully  
7     those who don't want to go through stringent requirements  
8     are going to look to Illinois and go, we don't want to go  
9     in that state and do business in the cemetery business,  
10    they've cracked down too much, they are demanding too  
11    much, the criteria of what they want from us is too much,  
12    that is not a place where we can operate as shadily as we  
13    have in the past. I would just simply give that for  
14    purpose of discussion there.

15           And, hopefully, we will have closing comments  
16    at the end because I have a couple I want to bounce off  
17    the committee.

18           Thank you very much.

19           HONORABLE HOLMES: Did you have a question?

20           DR. ARNOLD: You know, sort of dovetailing on the  
21    what he just said, I think this is really kind of an  
22    issue with the licensure. You know, we have licensures  
23    in the medical field, but we also have requirements where  
24    you have inspections with the Joint Commission on

1 Accreditation of Hospitals. There are many agencies that  
2 come in and look to see whether you are complying.

3 Do you think that would be something that would  
4 be useful here?

5 And also another point is what percentage of  
6 the costs or total funds do you have available to you as  
7 far as maintaining the actual cemetery grounds itself?  
8 Is there a percentage you can ascribe to what most  
9 cemeteries -- I know it's going to vary quite a bit from  
10 cemetery to cemetery, but what percentage of that fund --  
11 available funds actually goes to the maintenance of the  
12 grounds themselves?

13 MR. VOGELE: That's a good question because you have  
14 all different types of cemeteries. Chippiannock, which  
15 is an old, historic cemetery much like Oak Ridge is  
16 highly maintenance intensive so it costs a lot more to  
17 maintain. Even endowed care funds were set up for the  
18 purpose at some point when the cemetery is still sold out  
19 it will generate enough funds to maintain the cemetery.  
20 At this point Chippiannock does not maintain or does not  
21 generate -- our endowment does not generate enough funds  
22 to maintain the cemetery so we use revenue from the  
23 day-to-day operations to supplement our care fund. That  
24 would be the case I would think with many cemeteries.

1           Also, a point that I had forgotten about also  
2   was not-for-profits. The term of not-for-profit cemetery  
3   as being exempt isn't exactly true. Chippiannock is set  
4   up as a not-for-profit organization. We are bound by the  
5   Pre-Need Cemetery Sales Act. Anything that we sell we  
6   have to entrust. There is no free walk on that. We have  
7   to comply just like everybody else does.

8           DR. ARNOLD: One other point. We actually are  
9   working with this electronic death registry as you were  
10   mentioning. Hopefully we can have the solution with that  
11   at some point.

12          MR. VOGELE: Is that a possibility? I mean is it --

13          DR. ARNOLD: We're looking at that right now. It's  
14   going to be a recommendation to the chairman about that  
15   particular issue and to -- we're working very closely  
16   with the Department of Financial and Professional  
17   Regulation about that issue, and we're sort of looking at  
18   the history of why did it ever leave the books in the  
19   past. So we're working with that very closely.

20          HONORABLE HOLMES: Thank you. Did you have  
21   something else?

22          MR. VOGELE: Possibly. As long as you have been  
23   courteous to let me look here.

24                Thank you.

1 HONORABLE HOLMES: Thank you very much. I really  
2 appreciate your time.

3 Our final witness is Frank Price of the  
4 Illinois AARP.

5 MR. PRICE: Good afternoon. Ma'am Chairman, members  
6 of the Illinois Cemetery Oversight Task Force. My name  
7 is Frank, F-R-A-N-K, Price, P-R-I-C-E.

8 I'm a volunteer with AARP. And I'm pleased to  
9 be here, and thank you for letting me speak before you.

10 Although I live in Springfield, I do not have  
11 loved ones buried in Burr Oak Cemetery. I certainly am  
12 aware of the high profile people such as Emmett Till and  
13 Dinah Washington who are buried there. What moved me to  
14 do this testimony for AARP was an article in the State  
15 Journal-Register regarding two brothers concerned about  
16 their father.

17 The brothers wanted answers about their  
18 father's grave at the historic African American Burr Oak  
19 Cemetery when they went to visit his grave last year and  
20 couldn't find it. Brian Maholmes said, I cannot sleep at  
21 night wondering if someone has touched my daddy's grave,  
22 and he couldn't get his father's grave out of his mind.  
23 His brother Jeffrey said, I was listening to the radio on  
24 my way to work when I heard that -- the allegations of

1 bodies had been dug up in Burr Oak. I was so upset that  
2 I had to pull over, and I just sat there for a minute,  
3 and the thought crossed my mind, could they have removed  
4 my daddy? You could not read that story but think that  
5 every person who had buried a loved one at Burr Oak had  
6 those very same thoughts.

7 AARP has been involved in the deathcare  
8 industry for several years from the consumer protection  
9 aspect of the 1.8 million members in Illinois AARP's  
10 interest in funeral/burial sales related to the fact that  
11 these are some of the most expensive purchases an older  
12 consumer makes in his or her lifetime.

13 AARP urges the task force to end the  
14 segmentation of state regulations of the deathcare  
15 industry and enforce the various laws spread across the  
16 state agencies in a coordinated manner to assure that  
17 there are not regulatory gaps in the oversight of  
18 cemeteries, funeral homes and pre-need plans.

19 Recommendations that AARP would support are:  
20 A consumer bill of rights for families. AARP wants to  
21 assure that consumer protections are improved to ensure  
22 that Illinois families are treated fairly and get what  
23 they pay for when they purchase services or merchandise  
24 from cemeteries, funeral homes, casket stores and

1 monument dealers.

2 Another recommendation, assurance that the  
3 Illinois Cemetery Protection Act and the Illinois  
4 Cemetery Acts are enforced to ensure proper maintenance  
5 of burial spaces and disposition of remains.

6 Another recommendation, regulations that  
7 require newly established cemeteries to establish escrow  
8 accounts designed to ensure that income will always be  
9 available for the continued upkeep and maintenance of a  
10 cemetery.

11 And, finally, better uniformity and  
12 recordkeeping to track burial sites in Illinois  
13 cemeteries and to apply to all cemeteries in Illinois.

14 Thank you for the opportunity to provide this  
15 statement from AARP regarding this very sad and sensitive  
16 issue. AARP stands ready to assist the task force in  
17 resolving this problem so no one in Illinois has to feel  
18 the grief we have heard about in the Burr Oak Cemetery  
19 stories.

20 Thank you.

21 HONORABLE HOLMES: Thank you very, very much.

22 Any questions?

23 MR. McNARY: I do have a question. Frank, we have  
24 often worked side by side. I want to thank you for being

1 here, lobbying legislation on behalf of consumers, and we  
2 are really going to be looking to the AARP as we draft  
3 these recommendations, and we appreciate everything  
4 you've done.

5 MR. KOTZIN: Michael Kotzin. Could you estimate the  
6 size of the constituency that you represent in Illinois?

7 MR. PRICE: 1.8 million citizens in Illinois, 50 and  
8 above. We're closer to the need than some other  
9 citizens.

10 HONORABLE HOLMES: Thank you so much. We really  
11 appreciate it. Thank you for your patience in waiting.

12 I thank those of you who are here for your  
13 patience. You've seen some of our members leave.  
14 They've had to catch flights or trains, but they will  
15 definitely review the transcripts of these meetings and  
16 weigh in.

17 If there is anyone else out there who would  
18 like to speak with us, please let me know, raise your  
19 hand.

20 Would you like to step forward, sir.

21 MR. STANBEARY: I'd like to ask some questions. My  
22 dad was buried at Burr Oaks.

23 HONORABLE HOLMES: What I need to you do is step  
24 forward, state your name.

1 MR. STANBEARY: My name is Allen Stanbeary, Jr. You  
2 want me to tell -- A-L-L-E-N, S-T-A-N-B-E-A-R-Y --

3 HONORABLE HOLMES: Mr. Stanbeary.

4 MR. STANBEARY: -- Junior. My dad was Allen  
5 Stanbeary, Sr, and he was buried in Burr Oak in '86. I  
6 live here in Springfield. I'm originally from Chicago.  
7 I wasn't able to get up to your meetings up there, but my  
8 brother did, and he gave me some of the information that  
9 you gave to him, you guys gave to him, but I need to  
10 understand what's going on, because, you know, I'm not  
11 able to get up there.

12 And from what I'm understanding is, we can't  
13 get into the cemetery to find out what's going on or  
14 whether our dad's grave is there or not. I was in  
15 prison. When I got out -- My dad died while I was in  
16 prison, and when I got out it took me 15 years, but I got  
17 a stone, and I had it put on my dad's grave 8 years ago.  
18 And if this is what happens and you don't have control  
19 over it, then I want to know what you can do to prevent  
20 it and what are our options right now to deal with this  
21 situation?

22 HONORABLE HOLMES: Okay. Sheriff Dart testified at  
23 our August 6th meeting and indicated that along with the  
24 receiver they are taking photographs of all of the

1 headstones that are currently at Burr Oak Cemetery, and  
2 they are uploading those headstones to their website so  
3 that you can take a look. They have it so that it's  
4 searchable.

5 MR. STANBEARY: What's the web --

6 HONORABLE HOLMES: You can take a look to see if  
7 your father's headstone is still there, still existing,  
8 if it appears to be in the same place that it was before.

9 MR. STANBEARY: I have the lot number and everything  
10 where he was buried.

11 HONORABLE HOLMES: Okay. So there's going to be a  
12 list, and according to Sheriff Dart within the next  
13 couple of weeks, so sometime by the end of this month,  
14 they should have completed that entire process. So it's  
15 a rolling process. So just because you don't see it  
16 today, you might want to continue to check. He  
17 indicates --

18 MR. STANBEARY: Where do we have to look?

19 HONORABLE HOLMES: The website is [www.burroak.net](http://www.burroak.net),  
20 [burroak.net](http://burroak.net). The telephone number is 800-942-1950. So  
21 until that list is completed there's no way to know for  
22 sure whether the headstone is still there, whether it's  
23 -- it actually exists.

24 Now, what we are also finding out, and what our

1 task force has heard over the course of our four  
2 meetings, is that there may never be closure on the issue  
3 of where some of the headstones are, where some of the  
4 graves are and whether people are actually buried in some  
5 of the graves where they indicated they were. We don't  
6 know the extent to which this is true or not. What we do  
7 know is that the State's Attorney's office with the  
8 Sheriff have indicted individuals who are alleged to be  
9 involved in some of the criminal aspects of this and that  
10 there may be additional indictments, and that we may  
11 learn additional information as time goes on. So we  
12 can't give you definitive answers because we don't have  
13 definitive answers.

14 The authorities are still looking into this.  
15 You've got the federal government as well as the state  
16 government that are investigating and that are attempting  
17 to give as clear answers as they possibly can.

18 We also heard from a gentleman who is the new  
19 president of the Burr Oak Preservation Historical Society  
20 who indicated that they are seeking to possibly build a  
21 monument at Burr Oak to represent all of those  
22 individuals whose graves may have been disturbed so that  
23 there may be a monument at some point at Burr Oak that  
24 would --

1 MR. STANBEARY: Are they going to do anything to try  
2 to find out if the bodies were taken and replaced back  
3 where they need to be?

4 HONORABLE HOLMES: To the extent that they can, they  
5 are doing an investigation, but you have to understand  
6 it's very difficult. There was one individual who  
7 testified who said, well, you know, you've got all of  
8 this stuff that you see on television with DNA sampling  
9 and that sort of thing, but there are difficulties with  
10 that. There's funding issues, there's evidentiary  
11 issues.

12 MR. STANBEARY: Shouldn't the owners be responsible  
13 to pay for that?

14 HONORABLE HOLMES: That becomes a question, how does  
15 our state -- current state law deal with that issue and  
16 whether there might actually be criminal allegations with  
17 respect to the owners. Those are questions that we can't  
18 answer as a task force. Those are questions that the  
19 criminal aspect are taking care of and are investigating.  
20 It's a difficult area because we want answers. You know  
21 I want answers. You know, as you've indicated there are  
22 members of our committee -- my own family members are in  
23 that cemetery, and we all want answers. The problem  
24 comes with trying to get answers when the evidence is so

1   messed up and there's so many areas that we won't be able  
2   to get answers because they just don't exist.

3               We heard testimony that there are documents and  
4   papers that are -- there were congealed because they had  
5   just been thrown around and they were in an area for so  
6   long that they can't even separate them to read those  
7   papers. So we may never know what that was on those  
8   papers. We may never know if people's graves have been  
9   moved.

10              We heard testimony from an individual -- a  
11   woman who indicated that for the last at least 10 years  
12   she's been taking care of two graves because the records  
13   were in such disarray and the information she had been  
14   given was so bad she didn't know which grave her husband  
15   was in. She may never know.

16              I don't think that we have the capability to  
17   take up every grave in the cemetery to determine who is  
18   in each and every grave to make sure that it's correct.

19              MR. STANBEARY: As representative from my family we  
20   have a number of -- a large number of our family members  
21   in that graveyard so we're very concerned, and I hope  
22   that you guys can come up with some kind of solution to  
23   deal with this situation whether it's more information or  
24   something that would help to -- help not only minister to

1 the healing process but to help us to understand why  
2 something like this could happen and can it happen again,  
3 because right now my mom is hurting because she don't  
4 know where my dad's buried. We usually try to go up  
5 there and see him at least once a year, once every other  
6 year, but we can't even do that right now. We were  
7 planning on doing it this summer.

8 HONORABLE HOLMES: It's very -- trust me, it's very  
9 difficult to deal with, particularly when you just don't  
10 have information. The problem is it's not just a civil  
11 issue, it's also a criminal issue, and when you have the  
12 criminal and the civil mixing together like that, you  
13 have to have to let that criminal process take place, and  
14 you have to protect the integrity of the evidence and the  
15 information so that those individuals who are being  
16 prosecuted have their day in court and that they aren't  
17 unfairly prosecuted.

18 And so there's a very delicate balancing act  
19 that must take place, and we have to respect that  
20 criminal aspect of it while at the same time trying to  
21 deal with the civil aspect of it.

22 MR. STANBEARY: Okay. Thank you.

23 REPRESENTATIVE BRADY: Mr. Stanbeary, may I also  
24 maybe suggest the representative from the deputy from the

1 Cook County Sheriff's Department, you speak with him. He  
2 may be able to take what information you do have, and  
3 even though the web page is coming and grave markers and  
4 so on, he might be able to expedite some things to the  
5 receivership for them looking at graves, being on site at  
6 the cemetery may be able to help expedite some type of  
7 answer for you. I know he'd be glad to visit with you.

8 MR. STANBEARY: Thank you.

9 HONORABLE HOLMES: Thank you very much.

10 Do we have any comments from any of the task  
11 force members that you'd like to get on the record for  
12 today?

13 REPRESENTATIVE BRADY: I just had one. It came up,  
14 a question surfaced earlier, testimony from Mrs. Johnson.  
15 Regarding receivership of Burr Oak Cemetery to the  
16 Archdiocese of Chicago. I've got a question, being  
17 appointed receivership that they don't fall under the  
18 present Cemetery Care Act we have. That's one question.

19 But the other question that I have is, also,  
20 that if they were appointed receivership they are looking  
21 to help from downstate cemeteries as Mrs. Johnson had  
22 indicated now and are networking for assistance that they  
23 need. I'd just like to know, because I don't know even  
24 being a funeral director and my background, I don't know

1 if there's some type of financial assistance going to the  
2 receivership from the state in any way, shape or form.

3 So that would be something I'd be interested in trying to  
4 find out, if other cemeteries, associations or cemeteries  
5 are going to assist them in some way, shape or form at  
6 Burr Oak. I'd be interested in finding that out.

7 HONORABLE HOLMES: So information on whether the  
8 state is --

9 REPRESENTATIVE BRADY: Whether being --

10 HONORABLE HOLMES: -- supplying financial assistance  
11 to the cemetery?

12 MR. VOGELE: I could answer one part of your  
13 question.

14 HONORABLE HOLMES: State your name for the court  
15 reporter.

16 MR. VOGELE: Gregory Vogeles from Chippianock  
17 Cemetery.

18 HONORABLE HOLMES: Step up to the microphone,  
19 please.

20 MR. VOGELE: With regard to the Archdiocese's  
21 receivership of Burr Oak, that is not the case. Roman  
22 Szabelski is the receiver. The Archdiocese is not  
23 connected with his serving as receivership other than  
24 that's his place of employment.

1 REPRESENTATIVE BRADY: Okay.

2 MR. VOGELE: The assets of the Archdiocese are not  
3 involved in helping.

4 REPRESENTATIVE BRADY: But my guess would be if his  
5 place of employment is the Diocese of Chicago, some type  
6 of resources are being used through his office, Diocese  
7 of Chicago as receivership. I mean if has an office, if  
8 he has ways to communicate with other people, if he is  
9 talking with Ms. Johnson, asked for her assistance, my  
10 guess would be that in his role as working for the  
11 Diocese of Chicago, even though he is appointed  
12 individually receivership, there's got to be some  
13 interaction there.

14 MR. VOGELE: I suppose in the same sense that as  
15 director of the Chippianock Cemetery and Calvary  
16 Cemetery I'm taking calls from families from Roselawn  
17 Cemetery in Moline, sure, it's during my time of  
18 employment in a sense they're underwriting several of my  
19 efforts.

20 REPRESENTATIVE BRADY: Okay. Thank you.

21 HONORABLE HOLMES: Ms. Johnson?

22 MS. JOHNSON: Yes, you had also asked about funding.  
23 When I was called I was told that no funds had been  
24 released. I was called two weeks ago today and it was on

1 that day that the judge was going to recuse himself so  
2 they were going to have to appoint a new judge and that  
3 was going to cause even further delay in, you know,  
4 opening up the moneys the cemetery did have. When I was  
5 asked if I could come and if I could organize others to  
6 come, it was with the full understanding that we were  
7 coming at our own expense. We are not being reimbursed  
8 at all.

9 REPRESENTATIVE BRADY: Thank you.

10 HONORABLE HOLMES: Well, thank you -- thank you all  
11 very much for your patience. We know we've run over  
12 time. This is a very serious issue. We tried to get  
13 every one an opportunity to flush out the issues and to  
14 testify to the fullest of their ability.

15 Our next meeting will be August 27th in Chicago  
16 at the Thompson Center. We will hear from the following  
17 witnesses, thus far: Charles Childs, Wayne Straza, James  
18 McKeever, Lou Rago, Donald Bauer and Harvey Lapin.

19 On September 10th, we will also meet in Chicago  
20 at the Thompson Center where we will hear from the  
21 Comptroller Dan Hynes, the Attorney General Lisa Madigan  
22 and Robert Gilligan and Father Pat Pollard of the  
23 Catholic Cemeteries. Each of those two meetings is from  
24 2:00 p.m. to 4:00 p.m. Those will be our final two

1 meetings. We will issue our report at 12:30 on  
2 September 15th at the Thompson Center.

3 Thank you all very, very much.

4 Meeting is adjourned.

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4 CAROL CONNOLLY, being first duly sworn, deposes  
5 and says that she is a Certified Shorthand Reporter in  
6 Cook County, Illinois, and reporting proceedings in the  
7 Courts in said County;

8 That she reported in shorthand and thereafter  
9 transcribed the foregoing proceedings;

10 That the within and foregoing transcript is  
11 true, accurate and complete and contains all the evidence  
12 which was received and the proceedings had upon the  
13 within cause.

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20 Subscribed and sworn to before me this

21

22 \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

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24